

LOK SABHA DEBATES

Second Series

Volume XXXV, 1959/1881 (Saka)

[November 16 to 27, 1959/Kartika 25 to Agrahayana 6, 1881 (Saka),]



NINTH SESSION, 1959/1881 (Saka)

(Vol. XXXV contains Nos. 1 to 10)

**LOK SABHA SECRETARIAT
NEW DELHI**

CONTENTS

[SECOND SERIES Vol. —NOVEMBER 16 TO 27, 1959/KARTIKA 25 TO AGRAHAYANA 6, 1881 (Saka)]

	COLUMNS
No 1 —Monday, November 16, 1959/Kartika 25 1881 (Saka)—	
Oral Answers to Questions—	
Starred Questions Nos 1 to 12, 14 to 19 and 21	1—40
Written answers to Questions—	
Starred Questions Nos 13, 20 and 22 to 34	41—50
Unstarred Questions Nos 1 to 53	50—79
Obituary references	79—80
Policemen killed in Sino-Indian Border incident	80—81
Motions for Adjournment—	
Sino-Indian border incidents	81—101
Papers laid on the Table	102—06
President's Assent to Bills	106—08
Parliamentary Committees—Summary of work	108
Estimates Committee—	
Sixty second Report	108
Statement re Mishap at Bhakra	108—13
Statement re Indo-Pakistan Canal Waters Dispute	113—15
Statement re Accident to Agra-Allahabad Passenger train	115—16
Statement re Indo-Pakistan Border Conference	116—19
Companies (Amendment) Bill—	
Extension of time for presentation of Report of Joint Committee	120
Bills introduced—	
1 Indian Penal Code (Amendment) Bill	120
2 Constitution (Eighth Amendment) Bill	120—21
3 Haj Committee Bill	121
Arms Bill—	
Motion to consider, as reported by Joint Committee	121—218
Daily Digest	219—30
No 2 —Tuesday, November 17 1959/Kartika 26, 1881 (Saka)—	
Oral Answers to Questions—	
Starred Questions No. 35 to 45	231—68
Written Answers to Questions—	
Starred Questions Nos 46 to 76	269—90
Unstarred Questions Nos 54 to 129	290—333
Re Motion for Adjournment—	
Withdrawal of Indian border police from Bara Hoti	334—43
Papers laid on the Table	343—46
Calling Attention to Matter of Urgent Public Importance—	
Proclamation of a state of emergency in Calcutta Port	346—47

(1)

	COLUMNS
Arms Bill—	
Motion to consider, as reported by Joint Committee	348—444
Clauses 2 to 46 and 1	365—443
Motion to pass	444
Miscellaneous Personal Laws (Extension) Bill—	
Motion to consider, as passed by Rajya Sabha	445—54
Clauses 2 to 4, Schedules I and II and Clause 1	454
Motion to pass	454
Securities Contracts (Regulation) Amendment Bill	455—70
Motion to consider	455—66
Clauses 2, 3 and 1	466—69
Motion to pass	469—70
Daily Digest	471—76
No. 3.—Wednesday, November 18, 1959/Kartika 27, 1881 (Saka)—	
Oral Answers to Questions—	
Starred Questions Nos. 77 to 90	477—514
Written Answers to Questions—	
Starred Questions Nos. 91 to 121	514—32
Unstarred Questions Nos. 130 to 201 and 203 to 206	532—76
Correction of Answer to Unstarred Question No. 1580	576—77
Obituary reference	577—78
Daily Digest	579—84
No. 4.—Thursday, November 19, 1959/Kartika 28, 1881 (Saka)—	
Oral Answers to Questions—	
Starred Questions Nos. 122 to 132, 134 and 135	585—620
Written Answers to Questions—	
Starred Questions Nos. 133 and 136 to 154	620—32
Unstarred Questions Nos. 207 to 271	632—68
Motions for Adjournment—	
Reported construction of an air-field in Ladakh by the Chinese	668—75
Papers laid on the Table	675—83
Opinions on Bill	684
Dowry Prohibition Bill—	
Presentation of Report of Joint Committee	684
Committee on Private Members' Bills and Resolutions—	
Fifty-first Report	684
Estimates Committee—	
Sixty-sixth Report	684
Calling Attention to Matter of Urgent Public Importance—	
Indo-Pakistan Financial Talks	685—86
Correction of Reply to Starred Question No. 985	686—87
Legal Practitioner. Bill—Introduced	687
Andhra Pradesh and Madras (Alteration of Boundaries) Bill	688—759
Motion to consider	697—759
Motion re : Report of Damodar Valley Corporation	759—802
Business Advisory Committee—	
Forty-fourth Report	802
Daily Digest	803—84

No. 5.—*Friday, November 20, 1959/Kartika 29, 1881 (Saka)*—

Oral Answers to Questions—

Starred Questions Nos. 158, 155, 157, 159 to 162, 164 to 167, 169 and 170	815—53
---	--------

Written Answers to Questions—

Starred Questions Nos. 156, 168 and 171 to 195	853—68
--	--------

Unstarred Questions Nos. 272 to 306, 308 to 333 and 335 to 338	869—904
--	---------

Motion for Adjournment—

Hold-up of train by Delhi students	904—06
------------------------------------	--------

Papers laid on the Table

	906—11
--	--------

Business of the House

	911—12
--	--------

Correction of an answer to Starred Question No. 79

	912—13
--	--------

Business Advisory Committee—

Forty-fourth Report	913—14
---------------------	--------

Kerala State Legislative (Delegation of Powers) Bill—Introduced

	914
--	-----

Andhra Pradesh and Madras (Alteration of Boundaries) Bill

	914—77
--	--------

Motion to consider

	915—77
--	--------

Committee on Private Members' Bills and Resolutions—

Fifty-first Report	977—78
--------------------	--------

Resolution re : Session of Lok Sabha at Hyderabad or Bangalore

	978—1045
--	----------

Resolution re : Re-organisation of Country's Administration

	1045—48
--	---------

Petition re : Andhra Pradesh and Madras (Alteration of Boundaries) Bill

	1048
--	------

Daily Digest

	1049—58
--	---------

No. 6.—*Monday, November 23, 1959/Agrahayana 2, 1881 (Saka)*—

Oral Answers to Questions—

Starred Questions Nos. 196, 198 to 207, 209 to 213, 217 to 219, 222 and 223	1059—97
---	---------

Written Answers to Questions—

Starred Questions Nos. 197, 208, 214 to 216, 220, 221 and 224 to 232	1097—1108
--	-----------

Unstarred Questions Nos. 335 to 404	1108—51
-------------------------------------	---------

Paper laid on the Table

	1151—54
--	---------

Estimates Committee—

Sixty-third Report	1154—55
--------------------	---------

Andhra Pradesh and Madras (Alteration of Boundaries) Bill

	1155—1240
--	-----------

Motion to consider

	1155—1208
--	-----------

Clauses 2 to 54, Schedules I to VI and clause 1

	1207—40
--	---------

Motion to pass

	1240
--	------

Indian Penal Code (Amendment) Bill

	1240—87
--	---------

Motion to consider

	1240—87
--	---------

Half-an-hour Discussion re : Scarcity of Sugar

	1287—1308
--	-----------

Daily Digest

	1309—16
--	---------

No. 7.—*Tuesday, November 24, 1959/Agrahayana 3, 1881 (Saka)*—

Oral Answer to Questions—

Starred Questions Nos. 233 to 237, 239 to 250, 252 and 253	1317—57
--	---------

Correction of Answer to Supplementary Question on S.Q. 239	1357
--	------

Short Notice Question No. 1	1357—60
-----------------------------	---------

Written Answers to Questions—	
Starred Questions Nos. 238, 251 and 254 to 269	1360—70
Unstarred Questions Nos. 409 to 465	1370—1400
Motion for Adjournment—	
Arrest of Dr. Ram Manohar Lohia	1401—05
Papers laid on the Table	1405—07
Demands for Supplementary Grants (Kerala)	1407
Calling Attention to Matter of Urgent Public Importance—	
Dacoities in trains	1407—08
Statement on Oil	1408—14
Statements <i>re</i> : Release of German Assets	1414—15
Indian Penal Code (Amendment) Bill	1415—31
Motion to consider	1415—24
Clauses 2, 3 and 1	1425—30
Motion to pass	1430—31
Haj Committee Bill	1431—97
Motion to consider	1431—86
Clauses 2 to 19 and 1	1486—97
Motion to pass	1497
Motions <i>re</i> : Annual Reports of the Registrar of Newspapers	1497—1570
Daily Digest	1571—78
No. 8. —Wednesday, November 25, 1959/Agrahayana 4. 1881 (Saka)—	
Oral Answers to Questions—	
Starred Questions Nos. 271 to 273, 275 to 280, 282, 284 to 288, 290 to 292, 294, 295 and 298	1579—1620
Short Notice Question No. 2	1620—22
Written Answers to Questions—	
Starred Questions Nos. 270, 274, 281, 283, 289, 293, 296, 297 and 299 to 317	1622—38
Unstarred Questions Nos. 466 to 522	1638—70
Papers laid on the Table	1670—76
Messages from Rajya Sabha	1676—77
Estimates Committee—	
Sixty-fourth Report	1677
Correction of reply to Starred Question No. 1314	1677—78
Calling Attention to a Matter of Urgent Public Importance—	
Law and order situation in Delhi	1678—79
Delhi Land Holdings (Ceiling) Bill—Introduced	1679
Motion <i>re</i> : India-China Relations	1680—1828
Business Advisory Committee—	
Forty-fifth Report	1688
Daily Digest	1689—96

No. 9.—*Thursday, November 26, 1959/Agrahayana 5, 1881 (Saka)*—

Oral Answers to Questions—

Starred Questions Nos. 318, 320 to 322, 324 to 332, 334 to 339, and 341 . . . 1837—73

Written Answers to Questions—

Starred Questions Nos. 319, 323, 333, 340 and 341 to 352 . . . 1873—82

Unstarred Questions Nos. 523 to 552 and 554 to 570 . . . 1882—1906

Motion for Adjournment—

Indo-Pak Border Demarcation . . . 1907—12

Papers laid on the Table . . . 1913—14

Statement re: Location of Second Ship-building Yard . . . 1914—15

Business Advisory Committee—

Forty-fifth Report . . . 1915—17

Point of Procedure . . . 1917—19

Motion re: India-China Relations . . . 1917, 1919—2074

Daily Digest . . . 2075—80

No. 10.—*Friday, November 27, 1959/Agrahayana 6, 1881 (Saka)*—

Oral Answers to Questions—

Starred Questions Nos. 353 and 355 to 367 . . . 2081—2121

Written Answers to Questions—

Starred Questions Nos. 354 and 368 to 398 . . . 2121—39

Unstarred Questions Nos. 571 to 621 . . . 2139—67

Motions for Adjournment—

(1) Indo-Pak Border demarcation . . . 2167—72

(2) Chinghai-Tibet Highway . . . 2173—77

Papers laid on the Table . . . 2177—78

Message from Rajya Sabha . . . 2178

Business of the House . . . 2179

Statement re: Dandakaranya Development Authority . . . 2179—85

Release of a Member . . . 2185

Motion re: India-China Relations . . . 2185—2216

Kerala State Legislature (Delegation of Powers) Bill . . . 2216—33

Motion to consider . . . 2216—33

Bills Introduced—

1. Indian Railways (Amendment) Bill . . . 2233—34

2. Delimitation Commission (Amendment) Bill . . . 2234

3. Hindu Marriage (Amendment) Bill . . . 2234

Restoration of places of Religious Worship Bill by *Shri Prakash Vir Shastri* . . . 2235—36

Motion to consider—negated . . . 2236

Code of Criminal Procedure (Amendment) Bill (*Amendment of section 198*) by *Shrimati Subhadra Joshi* . . . 2236—89

Motion to consider . . . 2236—84

Clauses 2, 1 and the Enacting Formula . . . 2284—89

Motion to pass . . . 2289

272 (A1) LSD—10.

CONTENTS

Minimum Wages (Amendment) Bill, 1959	2289-2308
Kanhaya Lal Balmiki	2289-2308
Motion to consider	2289-2308
Daily Digest	2309-26
Consolidated Contents [November 16 to 27, 1959/Kartika 25 to Agrahayana 6, 1881 (Saka)]	(i-vi)

M.B.—The sign + marked above a name of a Member on Questions, which were orally answered, indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA DEBATES

1059

LOK SABHA

Monday, November 23, 1959/
Agrahayana 2, 1881 (Saka)

*The Lok Sabha met at Eleven of the
Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Bauxite Deposits in Bihar

+
•196. { Shri Shree Narayan Das
 { Shri Amjad Ali:

Will the Minister of Steel, Mines
and Fuel be pleased to state—

(a) whether it is a fact that bauxite
has been discovered in Haveli Kharag-
pur hills in Monghyr district of Bihar,

(b) if so, whether any survey has
been made to find out the extent of
deposits, and

(c) if so, the progress made?

The Minister of Mines and Oil (Shri
K. D. Malaviya: (a) to (c) A preli-
minary investigation of the known
bauxite deposits in the Kharagpur
hills, Monghyr district was carried out
by the Geological Survey of India
during the year 1958. On the basis of
the preliminary survey made it is not
possible to indicate the extent of the
reserves at this stage. Investigations
so far made, however, have indicated
promising results, which need to be
confirmed by work of a more detailed
nature.

Shri Shree Narayan Das: May I
know whether any programme has
been drawn up with a view to find
out the extent of deposits as well as
their exploitation from that area?

261(A1) LSD—1

1060

Shri K. D. Malaviya: This area
deserves further prospecting, because
it is promising, as I have said. We
have also attempted to have a pro-
gramme to go there and start work.
But we are handicapped by shortage
of equipment. As soon as we get the
equipment, we shall try to do some
more work.

Shri Shree Narayan Das: May I
know by what time it may be possible
to start the work, according to the
programme drawn up?

Shri K. D. Malaviya: I am anxious
to start it as soon as I can, but as I
said, non-availability of funds and
equipment may delay it a little, but
not much.

Shri T. B. Vittal Rao: The Geolo-
gical Survey has done the mapping
and other things. May I know when
the Indian Bureau of Mines will take
up the question of proving the
deposits in those areas?

Shri K. D. Malaviya: I have just
now said that as soon as the equip-
ment is available, we shall take up the
detailed prospecting through the
Indian Bureau of Mines.

Shri T. B. Vittal Rao: May I know
if any orders have been placed for
equipment for drilling operations on
an extensive scale?

Shri K. D. Malaviya: Yes, we are
trying to get more drills. As soon as
we get more drills, the rest of the
work becomes easier.

Shri T. B. Vittal Rao: May I know
with whom the orders have been
placed?

Shri K. D. Malaviya: I will not be
able to give the details.

Report of the Central Pay Commission

+

Shri Ram Krishan Gupta:
 Pandit D. N. Tiwary:
 Shri M. L. Dwivedi:
 Shri Ajit Singh Sarhadi:
 Sardar Iqbal Singh:
 Shri Goray:
 Shri Khushwaqt Rai:
 Shri Bhakt Darshan:
 Shri S. M. Banerjee:
 Shri Panigrahi:
 Shri Tangamani:
 Shri Sadhan Gupta:
 Shri Vajpayee:
 Shri Pangarkar:
 Shri Ramakrishna Reddy:
 Shri N. R. Muniswamy:
 Dr. Ram Subhag Singh:
 Shrimati Parvathi Krishnan:
 *198. Shri Nagi Reddy:
 Shri Warior:
 Shri Vasudevan Nair:
 Shri Shree Narayan Das:
 Shri D. C. Sharma:
 Shri Sarju Pandey:
 Shri Bibhuti Mishra:
 Shri Damani:
 Shri Hem Raj:
 Shri Supakar:
 Shri Sanganna:
 Shri Rameshwar Tanti:
 Shri Hem Barua:
 Shri Mohammed Imam:
 Shri L. Achaw Singh:
 Shri Aurobindo Ghosal:
 Shri K. B. Malvia:
 Shri Nath Pal:

Will the Minister of Finance be pleased to refer to his statement made in the Lok Sabha on the 28th August, 1959 and state:

(a) whether Government have since examined the report of the Central Pay Commission;

(b) if so, the main recommendations of the Commission;

(c) the result of the examination and nature of decisions taken;

(d) the nature of steps proposed to be taken to implement the decisions; and

(e) whether a copy of the report will be laid on the Table?

The Minister of Finance (Shri Morarji Desai): (a) to (e). The report of the Pay Commission is being examined with all possible expedition and a copy together with the decisions of Government on the major recommendations will be laid on the Table very shortly.

Shri Ram Krishan Gupta: May I know the points on which decisions have been taken and the points which are still to be decided?

Shri Morarji Desai: The hon. Member should hold himself a little in patience for the things to be placed on the Table.

Shri Nath Pal: Will the hon. Minister be kind enough to give an indication as to when, as approved by Government, it will be in a position to lay the report on the Table of the House and whether any decision has been taken regarding the pay scale whether it should be Rs. 75 or Rs. 80 and also regarding the retirement age for Government employees?

Shri Morarji Desai: Decisions have not been taken. As soon as they are taken, we will place them before the House.

Mr. Speaker: They want to know more specifically, say, before the end of the session.

Shri Morarji Desai: Most certainly, Sir; beyond any doubt.

Shri S. M. Banerjee: May I know whether this report has been fully considered by the various Ministries and if so, why this report has been kept a secret from this House?

Mr. Speaker: The hon. Member forgets the procedure adopted all along. This also follows the House of Commons practice. When a commission is appointed by the Government, the commission submits its report to the Government. If the commission is appointed by the Parliament, in that

case the commission or committee sends the report to Parliament directly and it is available to all the Members of Parliament thereafter. After the receipt of the report from any commission appointed by Government, the Government examines it and comes to a conclusion and then places it before the House. There can be differences of opinion as to whether before the conclusions are arrived at, there ought or ought not to be a discussion. But unfortunately there has been no such practice either here or even in the House of Commons.

Shri S. M. Banerjee: It is coming in all the newspapers.

Mr. Speaker: Newspapers are something like X-rays, they are able to enter into the hearts of men and find out things. (Interruptions) Hon Members will hold their souls in patience for some time.

Shri Tyagi: What will be the financial implications, if the recommendations are accepted as they are?

Shri Morarji Desai: It is not possible for me to divulge anything until it is put here.

Shri Goray: Today in the Press news has appeared that the report will be submitted to the Lok Sabha in this week. They have also said that the lowest salary will be Rs. 75 instead of Rs. 80 and the retiring age will be 58. Are these reports true?

Mr. Speaker: That is indirectly asking the hon. Minister to divulge it. Some of the hon. Members are themselves journalists. It is the business of the journalist to imagine many things from one or two things the Minister unwarily says.

Shri Goray: Most probably, the Minister himself has made that statement.

Shri Morarji Desai: The hon. Member says the Minister himself might have said it. It is too unfair and uncharitable.

श्री विनूति मिश्र : अध्यक्ष महोदय, हम लोगों को भी सवाल करने का मौका दिया जाए। उन सब माननीय सदस्यों को ही मौका दिया जा रहा है।

अध्यक्ष महोदय : सब को मिलेगा।

Shri Narayanankutty Menon: May I know whether any steps are being taken by Government to extend the recommendations and the benefits of the Pay Commission's report to Armed Forces also?

Mr. Speaker: I am not going to allow any more questions. This report will be placed before the House before the end of the session.

Shri Morarji Desai: Much before the session, Sir.

Mr. Speaker: Hon. Members will have an opportunity to discuss this matter before the end of the session. Let there be no speculation, leave the speculation to the journalists. Next question.

Shri S. M. Banerjee: May I know whether the recommendations will be given retrospective effect? It is very important.

Assam Oil Company

+

- *199. { **Shri Ram Krishan Gupta:**
Shri Ajit Singh Sarhadi:
Sardar Iqbal Singh:
Shri A. M. Tariq:
Shri R. C. Majhi:
Shri Subodh Hansda:
Shri Jadhav:
Shri B. C. Mullick:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 255 on the 10th August, 1959 and state:

(a) whether the Assessment Committee has submitted its report;

(b) if so, the nature of steps taken so far or proposed to be taken for

transferring the assets of Assam Oil Company to Oil India (Private) Limited;

(c) the time by which Oil India will take them over;

(d) what is the total value of the assets of the Assam Oil Company taken over by Oil India (Private) Limited, and

(e) what amount has so far been paid to the Assam Oil Company as compensation?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) The reconstituted Assessment Committee to determine the assets transferable by Assam Oil Company from 1st January, 1958 to 17th February, 1959, the date of incorporation of Oil India (Private) Limited, has not submitted its report as yet

(b) and (c) Do not arise

(d) Rs 1,033.85 lakhs, as assessed by the Committee in respect of assets transferable upto the period ending 31st December, 1957.

(e) Rs 1,033.85 lakhs paid on the basis of the Report of the First Assessment Committee

Shri Narayanankutty Menon: The reply to part (a) is not audible

Shri K. D. Malaviya: The first assessment committee has made the report for the period up to 31st December, 1957. Thereafter, for a re-assessment, another committee was set up. It has not yet submitted its report

Shri Ram Krishan Gupta: May I know the nature of work done in regard to assessment so far and by what time the report is expected to be received?

Shri K. D. Malaviya: This committee was asked to submit its report within four months. So, it should have submitted its report on the 22nd September and it should have come to us. But there was only one officer who was examining all these accounts, as well as the accounts in connection with the price negotiation I had naturally to ask him to give priority to price negotiation work. Therefore,

his activities were switched on to price negotiations. Now I hope the report will be submitted very soon.

Shri Kasiwal: It is clear from the answer given by the hon. Minister that there will be either several assessment committees or there will be several reports by the same assessment committee, because it is stated that the final report is not out. But, at the same time, some payments have been made to the company. May I know the correct position?

Shri K. D. Malaviya: The committee has submitted its report on the financial assessments right from the beginning of the Assam Oil Company up to 31st December, 1957. After that only one year remains—from the 1st January, 1958 to the date when the company was taken over by Oil India. Now, for that one year there were certain points on which there were no agreements. So, it was agreed between the two parties that a re-assessment should be made for these 12-13 months. That report has not yet been submitted. As soon as the report is submitted, we shall decide to dispose of the remaining payments

श्री बिरूति मिश्र मैं जानना चाहता हूँ कि कम्पेन्सेशन देने के लिये सरकार ने क्या सोचा है कि किस नीति के आधार पर कम्पेन्सेशन देगी। जैसे आपने स्टेट बैंक को लिया उस आधार पर देंगे या जिस आधार पर सरकार ने जिम्मेदारी ली है उस आधार पर देंगे ?

श्री को० दे० बालवीय तेल के उत्पादन के सम्बन्ध में जो कम्पेन्सेशन का निर्णय करने के लिये मौजूदा तरीके हैं वह सब ब्याल में रक्खे गये जैसे कि बीजार क्या रह गये हैं उनकी कितनी शक्ति रह गई है काम करने की भाँति। यही सब चीजें सास तौर पर देखी जाती हैं। इनमें करीब करीब कोई मतभेद नहीं है।

Shri P. C. Borooah: May I know whether there is any transfer of Assam Oil Company personnel to Oil India

Private Limited and, if so, the number of them and whether there is any change in their service conditions?

Shri K. D. Malaviya: Yes, Sir. The personnel employed by the Assam Oil Company will, by and large, be wholly transferred to the new corporation. I will not be able to give the list, or the exact number, just now because they are not with me.

Shri Narayanankutty Menon: May I know whether the Government is aware that just before the committee went into the question of valuation of machinery the company revalued it and, if so, whether Government has issued any directives to the committee to take into consideration in revaluing the machinery the original cost price of the machinery which has been bought in the pre-war days?

Shri K. D. Malaviya: Yes, Sir. All those aspects were taken into consideration and specific instructions were given to the committee to take into account those matters.

Shri Vidya Charan Shukla: The Minister just now said that the assessment committee was re-constituted recently. May I know the reason for its re-constitution?

Shri K. D. Malaviya: The committee was re-constituted because one of the main functions of the committee was finished. The assessment for only a few months remained. Therefore, the whole question had again to be gone into as to what was to be done on compensation for these months. Therefore, the committee was again formed or re-constituted as I have said.

Shri F. C. Borooah: May I know whether it is a fact that quite a large number of new personnel of English and Scottish origin have been recently appointed by the Assam Oil Company, ultimately to be transferred to Oil India Private Limited, superseding the claims of the Indian personnel?

Shri K. D. Malaviya: I am not aware of this fact.

Accommodation for Defence Installations

†
*200. { **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri R. C. Majhi:

Will the Minister of Defence be pleased to state—

(a) whether it is a fact that Government are not in favour of providing accommodation for Defence installations of permanent specifications, and

(b) if so, the reasons therefor?

The Minister of Defence (Shri Krishna Menon): (a) and (b): It is not correct to say that Government are not in favour of providing accommodation to permanent specifications. However, owing to acute shortage of accommodation for troops and equipment, the limited resources available and requirements of the users, modified specifications are adopted in some cases. They do not affect the amenities of the troops.

Shri S. C. Samanta: May I know whether complaints about the difficulties have come to the Ministry?

Shri Krishna Menon: There are complaints about accommodation generally. But there are no complaints in regard to change in specifications, because these changes are effected after consultation and agreement with the Service Headquarters concerned.

उर्दू

*२०१. श्री अक्षय वर्मा क्या गृह-कार्य मंत्री ११ सितम्बर, १९५० के तारांकित प्रश्न संख्या ११५१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उर्दू के प्रयोग के बारे में भारत सरकार ने जो बक्तव्य जारी किया था, उस पर उत्तर प्रदेश, बिहार, पंजाब और दिल्ली प्रशासन की राज्य सरकारों ने अब तक क्या कार्यवाही की है ,

(ख) क्या उक्त वक्तव्य के बावजूद भी उर्दू की उपेक्षा होने की शिकायतें प्राप्त हुई हैं; और

(ग) यदि हा, तो इस संबंध में क्या कार्यवाही की गई है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त)

(क) एक विवरण सभा-घटल पर रख दिया गया है। [वैशेष परिशिष्ट १, अ. शुक्रवाह संख्या ६४]

(ख) और (ग). कुछ आम शिकायतें आई थीं। सम्बन्धित राज्य सरकारों का ध्यान इन शिकायतों की ओर आकृष्ट किया गया है।

The statement deals with the whole question in a comprehensive way. If you want me to read it, I can do so.

Mr. Speaker: It may be laid on the Table. Hon. Members will study it and put questions later on

Some Hon. Members rose—

Mr. Speaker: What is the use of putting questions without looking into the statement?

श्री भक्त बर्षान मैं ने उस का अध्ययन कर लिया है।

Mr. Speaker: So, has the statement been placed in the Notice Office?

- An Hon. Member: Yes

श्री भक्त बर्षान मैं माननीय गृह-मंत्री महोदय से जानना चाहता हूँ कि इन राज्य सरकारों ने उर्दू भाषी लोगों के प्रति न्याय करने के लिये जो कदम उठाये हैं क्या केन्द्रीय सरकार उन से सन्तुष्ट है, या इस सम्बन्ध में कोई और अतिरिक्त आदेश देने का विचार किया जा रहा है ?

श्री गो० ब० पन्त . इस समय तो केन्द्रीय सरकार ने इस बारे में जो अपनी नीति प्रकाशित की थी और उन को जो हिदायतें दी

थी, उन के मुताबिक उन्होंने कार्रवाई कर ली है, और जहाँ कहीं कोई कमी थी वह उन से बताई गई और वह पूरी हो गई। अगर आईया कोई कमी मालूम हुई तो उस पर विचार किया जा सकता है।

श्री भक्त बर्षान मैं यह जानना चाहता हूँ कि यह जो आदेश राज्य सरकारों को दिये गये थे उन के बाद भी जो उर्दू के हिमायतियों की सबसे बड़ी सच्चा भ्रजुमन तरकिए उर्दू है वह इस बात की मांग करती रही है कि उर्दू को द्वितीय राज्य भाषा के रूप में स्वीकार किया जाय तो क्या गवर्नमेन्ट ने यह निश्चय कर लिया है कि द्वितीय राज्य भाषा के रूप में उसे स्वीकार नहीं किया जायेगा।

श्री गो० ब० पन्त . प्रथम, द्वितीय, तृतीय किसी भी राज्य भाषा के लिये ऐसा कोई आर्डर कहीं नहीं है।

श्री स० मो० बनर्जी क्या माननीय मंत्री जी का ध्यान इस बात पर आकृष्ट किया गया है कि उत्तर प्रदेश में जो कारपोरेशन के चुनाव हुए वह म.किंग सिस्टम के आधार पर हुए हैं जिस में सिर्फ हिन्दी सूची का प्रयोग किया गया था। इस से मुसलमानों और जो लोग हिन्दी नहीं जानते हैं उन को काफी तकलीफ हुई नाम वगैरह पढ़ने में। क्या आइन्दा इस के बारे में यह किया जायेगा कि उर्दू में भी नाम लिखे रहें ?

श्री गो० ब० पन्त हम इस बारे में गौर करेंगे।

श्री भक्त बर्षान . क्या यह सच है कि दिल्ली की शासन व्यवस्था में उर्दू को क्या स्थान दिया जाय इस झगड़े के कारण अभी तक हिन्दी को यहाँ की राज्य भाषा स्वीकार नहीं किया गया ? अगर यह सही है तो क्या इस संबंध में क्षीप्रता की जायेगी ?

श्री गो० ब० पन्त जो आम पालिसी का एलान हुआ था उस के मुताबिक कुछ हिदायतें भेजी गई थी, अगर इस खयाल से

किं चूँकि यहाँ लैंग्वेज कमेटी की रिपोर्ट पर बाध विवाद होने वाला था, जब तक वह न हो जाय तब तक उन पर कार्रवाई न की जाय, उन्हें रोक दिया गया था। अब बाध विवाद हो गया है और सम्भवतः उस के बारे में अन्तिम निर्णय भी हो जायेगा तो मैं समझता हूँ कि उस मामले में कार्रवाई होगी।

Gold Bonds Scheme

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*202. { Shri Basumatari:
Shri D. C. Sharma:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No 1406 on the 11th September, 1959 and state the progress made so far in finalisation of the Gold Bonds Scheme?

The Minister of Finance (Shri Morarji Desai): The proposal is still under consideration

Shri D. C. Sharma: Why has the finalisation of the proposal taken so long? I think it is under the consideration of Government for more than a year. Why has the Government not come to a decision, so far as this proposal is concerned?

Shri Morarji Desai: The question is full of many difficulties which we are not able to remove and until we are able to remove the difficulties it will remain under consideration

Shri D. C. Sharma. Do I take from the statement made by the hon Minister that he is inclined to give up the scheme?

Shri Morarji Desai: Till I have not given it up I cannot say that I have given it up

Shri Bimal Ghose. In view of the very high price of gold in the black market, does the scheme seem feasible to the hon Finance Minister?

Shri Morarji Desai: These are the difficulties in the way. As I said,

there are many difficulties. This is one of them.

Shri Sadhan Gupta: Has any assessment been made of the value of gold which could be tapped in the Gold Bonds Scheme?

Shri Morarji Desai: According to the estimate made by some people who say that they can make this estimate the value of the gold which may be hoarded or which may be with the people would be about Rs 3,000 crores at the market price in Bombay

Payment of Compensation

*203. Shri S. M. Banerjee: Will the Minister of Defence be pleased to refer to the reply given to Starred Question No 1408 on the 11th September, 1959 and state whether a final decision has since been taken regarding payment of compensation to Indian citizens whose properties were de-requisitioned in East Pakistan before Partition?

The Deputy Minister of Defence (Sardar Majithia): Yes, Sir. Out of 1,784 claims received, 1,290 were found to be untenable. Of the balance, while further details are awaited from claimants in 247 cases, the other 247 cases have been found to be in order for payment subject to verification of claimants' nationality and solvency of the sureties furnished by them. This verification has been carried out in 26 cases and payments are expected to be made shortly in those cases.

Objects of Indian Interest in Foreign Countries

*204. Shri P. C. Borooah: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether it is a fact that there are numerous sites, shrines, ruins and objects of Indian interests in Arabia, Iran, Turkey, Afghanistan, Malaya, Java, Sumatra, Bali, Cambodia and such other countries, and

(b) if so, whether instructions have been issued to Indian Missions abroad to prepare lists of such places and objects and to negotiate for their preservation?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a). There are some such objects in many of these countries.

(b). No formal instructions have been issued but informally our Missions have been asked to collect information about them.

Shri P. C. Borooah: May I know if it is a fact that in Kaba in Mecca there is an ancient shrine called the Shiva Lingam and whether there is any proposal before the Government to move the Saudi Arabian Government to allow non-Muslim Indians to pay homage to that shrine?

Shri Humayun Kabir: We have no information about any such shrine in Kaba.

सेठ गोविन्द दास : क्या माननीय मंत्री को यह बात मालूम है कि मलाया, जावा, सुमात्रा और बाली में कुछ जो इस प्रकार की भारतीय चीज हैं वे काफी बेमरम्मत हो गई हैं और क्या उनके सम्बन्ध में केन्द्रीय सरकार यह विचार कर रही है कि यहाँ से भी कुछ धन देकर उनको मरम्मत करने का प्रयत्न किया जाय ?

श्री हुमायून् कबिर : उन के सवाल का पहला हिस्सा कि वहाँ कुछ ऐसा सामान है वह तो सही है लेकिन वह बेमरम्मत है यह सही नहीं है। मैं ने खुद देखा कि वह बहुत अच्छे तरीके से उनकी देखभाल कर रहे हैं। उनका प्रीजर्वेशन और कंजर्वेशन बहुत अच्छा है। सवाल का दूसरा हिस्सा यह बिल्कुल नामुमकिन है कि एक मुल्क दूसरे मुल्क में इस तरह से प्रीजर्वेशन करे।

Shri P. C. Borooah: May I know whether Government has any intention to enquire as to whether there is a Shiva Lingam in Kaba or not?

Shri Humayun Kabir: I said in the Informal Consultative Committee of Parliament that in all these matters of things of Indian interest in other countries we are bound by certain conditions and beyond making informal enquiries it is not possible to go any further.

Shri P. C. Borooah: May I know if it is a fact that Government do not know that there is in existence a Shiva Lingam in Kaba?

Shri Humayun Kabir: Certainly Government is not aware of this. This is the first time that I have heard any serious person making a suggestion like that.

हिमाचल प्रदेश प्रशासन का पुनर्गठन

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*२०५ { श्री राम कृष्ण गुप्तः
श्री पद्म देवः
श्री श्री ०० गोपालनः
श्री बासुदेवन् नायरः
श्री सरजू पाण्डेयः

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश प्रशासन के सचिवालय का पुनर्गठन पूरा हो चुका है।

(ख) यदि हां, तो उसकी रूपरेखा क्या है ; और

(ग) इस योजना से प्रतिवर्ष कितनी बचत होगी ?

गृह-कार्य मंत्री (श्री श्री ०० पन्त):

(क) जी हा। हिमाचल प्रदेश प्रशासन के सचिवालय का पुनर्गठन पूरा हो चुका है और उसे १ अक्टूबर १९५९ से लागू कर दिया गया है।

(ख) सचिवालय में पहले पांच सचिव और छठ अवर सचिव थे। अब केवल तीन सचिव और पांच अवर सचिव हैं। इसके अति-

रिक्त है: विभाग प्रमुख हैं जो सीधे राज्यपाल के अधीन काम करते हैं। उन्हें सचिव के द्वारा अपना काम नहीं भेजना पड़ता। पुनर्गठन इसलिए किया गया है कि सरकारी काम काज और प्रखंडी तरह से तथा जल्दी हो और इसके परिणामस्वरूप सचिवालय के कर्मचारियों की संख्या में कुछ कमी हुई है।

(ग) पुनर्गठन से करीब ₹१००० रुपये सालाना की बचत होगी।

Shri Ram Krishan Gupta: May I know whether there is any proposal to introduce such reforms in other Union territories?

Shri G. B. Pant: Yes

Loans to Poor Students

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*206. { **Shri D. C. Sharma:**
Shri Ajit Singh Sarhadi.

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 836 on 27th August, 1959 and state whether any scheme for advance of loans to poor but brilliant students who want to take up professional education has since been finalised?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): The reply referred to a recommendation in respect of the Third Plan, but it may be added that a Scheme for Merit-cum-Poverty scholarships has since been finalised and is in process of implementation.

Shri D. C. Sharma: What are the basic principles adopted for giving scholarships to poor but brilliant students under that scheme?

Shri Humayun Kabir: The hon Member has himself mentioned the two conditions, namely, poor but brilliant.

Shri D. C. Sharma: How much money is Government of India going

to set apart for this scheme? Will the scheme be Centrally administered or will it be delegated to the State Governments also?

Shri Humayun Kabir: This particular scheme is a Central scheme. We are planning to spend about Rs 10½ lakhs during the current year.

Shri N. B. Muniswamy: Since this is a loan scheme, may I know whether there is any scheme for recovering these loans and, if so, at what stage and in what instalments?

Shri Humayun Kabir: I told the House just now that this scheme of loans refers to something which we are considering for the Third Plan which has not yet started, but in the interim period we have introduced a scheme of Merit-cum-Poverty scholarships and they are scholarships.

Shri Nath Pal: May I know if under the provisions which are being made applicable to poor but brilliant students, students from Goa, who are poor but brilliant, will be eligible for this?

Shri Humayun Kabir: I have not thought in particular about Goa but any student who is studying here in our institutions and is governed by the Indian Citizenship Rules will be eligible for these scholarships.

सेठ गोविन्द दास : श्री मंत्री जी ने यह कहा कि इस साल फिलहाल इस कार्य के लिये साढ़े दस लाख रुपये देने की बात सोची गई है तो क्या यह सहायता विद्यार्थियों को भिन्न भिन्न विश्वविद्यालयों की शिक्षा पर दी जायगी या भिन्न भिन्न राज्य सरकारों की शिक्षा पर दी जायगी ?

श्री हुमायून कबीर : यह स्कालरशिप् इन्स्टीट्यूशन की बसिस पर दिये जायेंगे। हमारे हिन्दुस्तान में आज जितने इन्स्टीट्यूशंस हैं, और जितने इस किस्म के स्टूडेंट्स हैं, उनके प्रोवेंशन के ऊपर हर एक इन्स्टीट्यूशन के लिये स्कालरशिप् का हिस्सा बांटा जायगा।

Standard of Indian Cricket

*207. **Shri Kodiyar:** Will the Minister of Education be pleased to state the steps taken or proposed to be taken by the Government to improve the standard of Indian Cricket?

The Minister of Education (Dr. K. L. Shrimali): A statement is laid on the Table of the House [See Appendix I, annexure No 65]

Shri Kodiyar: The statement shows that the Government have been taking various steps to improve Indian cricket for the last many years. But in spite of these steps the standard of Indian cricket is falling as is evident from the performance of our team recently in England. May I know whether there is any organised effort by the Government to overcome certain weaknesses in some departments of Indian cricket, specially fast bowling, and if so, what are the steps taken by the Government in this respect?

Dr. K. L. Shrimali: The statement indicates six steps which the Government have taken and propose to take. In all these matters we can only make a continuous effort and a continuous effort is being made to improve the standard.

Shri Shree Narayan Das: May I know whether any analysis has been made of the causes which have led to the degeneration of standards of cricket?

Dr. K. L. Shrimali: The statement shows that we recently appointed a committee. That committee has gone into this question. Their report is under the consideration of the Government.

Shri V. P. Nayar: May I know whether Government has any specific programme for scouting talent in Indian cricket all along the country?

Dr. K. L. Shrimali: This is the business of the Cricket Board.

Shri V. P. Nayar: In view of the fact that the standards of Indian cricket as well as of some games are definitely on the wane for some years and also in view of the fact that a very notable person in games, specially in cricket, has now joined the Cabinet, will Government consider giving this portfolio to that member of the Cabinet?

Mr. Speaker: When did he join the Cabinet?

Shri V. P. Nayar: I refer to Dr. Subbarayan who, till he joined the Cabinet, was President of the All-India Sports Council.

Mr. Speaker: Does it prevent him from rejoining the Council?

Shri V. P. Nayar: He had to resign when he took over the portfolio.

Mr. Speaker: What is the question, I was not able to follow.

Shri V. P. Nayar: I am asking whether, in view of Dr. Subbarayan's particular experience in games, especially cricket, Government would consider giving the entire sports portfolio to him.

Mr. Speaker: That is a suggestion for action, it will be considered.

Shri M. R. Krishna: May I know whether Government have any specific scheme to encourage the students in high schools to get proper training in cricket, and also may I know whether, since cricket has become a costly game, Government is considering subsidising this industry so that cricket tools may be made cheaper?

Mr. Speaker: It is a suggestion for action.

Shri Joachim Alva: Is Government clear in its own mind about the two major defects of Indian cricket, namely the lack of fast bowlers and back fielding? What directions have Government given in these directions to

the Sports Council, and what is the report of the Sports Council in this connection?

Mr. Speaker: How can we go into the details of fast bowling, slow bowling etc ?

Shri Kediyan: May I know whether Government have any proposal to send some junior teams to England so that our young boys may get experience

Mr. Speaker: That is also a suggestion for action.

Complaints Cell

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*209. { Shri N. E. Muniswamy:
Shrimati Ila Palchoudhuri:
Shri Achar:

Will the Minister of Education be please to state

(a) whether it is a fact that a cell to deal with complaints from the general public has been created in his Ministry,

(b) if so, the purpose and scope of this cell, and

(c) the number of complaints received since the cell came into existence?

The Minister for Education (Dr. K. L. Shrimall): (a) Yes, Sir

(b) To deal with complaints relating to the matters and institutions with which this Ministry is directly concerned

(c) 167

Shri N. E. Muniswamy: May I know whether the institutions which are run by private agencies and the complaints against them as regards admission, rejection of admission and all that will be received by this cell so that they can suggest remedial measures?

Dr. K. L. Shrimall: The Ministry is only concerned with the institutions with which it is directly concerned

Shri Jangde: What is the expenditure that has been incurred and what is the additional employment of staff in this cell?

Dr. K. L. Shrimall: No additional staff has been employed

Shri Achar: May I know whether there are complaints that admissions go according to communities in the South, and whether those complaints have been dealt with?

Dr. K. L. Shrimall: As I said, this unit is concerned only with complaints in respect of institutions which are directly under the control of the Ministry. Therefore, that question does not arise. The other complaints will have to be sent to the State Governments

सेठ गोविन्द दास : श्री मंत्री जी ने कहा कि इस सम्बन्ध में १०७ शिकायतें प्राप्त हुई हैं । वे शिकायतें जो प्राप्त हुई हैं वे किस प्रकार की हैं । क्या उनमें से कोई सही शिकायत भी है, और अगर है तो उनको दूर करने का क्या प्रयत्न किया गया ?

डा० का० सा० बीनाली . १६७ शिकायतें आई हैं । उनमें से ६१ ऐसी थी कि जिनका मिनिस्ट्री से सम्बन्ध था और इन ६१ में से १३ तो डिसमिस्ड आफ हो गयी हैं और बाकी के ऊपर विचार किया जा रहा है । यह डिटेल्स मेरे पास नहीं हैं कि किस तरह की शिकायतें थी । लेकिन जो भी शिकायतें मंत्रालय से सम्बन्ध रखती हैं उन पर विचार किया जायेगा ।

सेठ गोविन्द दास . और भी शिकायतें जिनका इस मंत्रालय से सम्बन्ध नहीं था व कहा से सम्बन्ध रखती थी ?

डा० का० सा० बीनाली : उनके मेरी मिनिस्ट्री से सम्बन्ध नहीं था । उनके बारे में मैं कुछ नहीं कह सकता ।

Mr. Speaker: The hon Member only wants to know if there are similar

cells attached to the other Ministries also. That is his point.

Dr. K. L. Shrimali: I cannot give that information. I can only give information with regard to my Ministry.

Mr. Speaker: The hon. Minister of Home Affairs can give it.

The Minister of Home Affairs (Shri G. B. Pant): What is the question?

Mr. Speaker: The question relates to a cell that has been established and attached to the Ministry of Education to receive complaints and dispose of them. Questions have been put as to how many complaints have been received and so on. Seth Govind Das asked a question and it was stated that some of these complaints were not taken up for the reason that they did not relate to the Ministry of Education. The hon. Member wants to know if there are any other agencies, similar cells in the other Ministries. The hon. Minister of Education says he does not know and that the hon. Home Minister might be asked.

Shri G. B. Pant: The word "cell" is not very attractive and it has very unsavoury associations, but every Ministry does look into the complaints that are received, and it has arrangements of its own for looking into complaints and disposing of them and for sending replies to the complainants also.

Shri N. B. Muniswamy: The hon. Minister has stated that he has received so far 167 complaints. Would he tell us the nature of the complaints, and whether they have been rectified?

Mr. Speaker: How can I allow 167 complaints to be looked into here?

Shri N. B. Muniswamy: What is the nature of the complaints, and from which parts of India have they come?

Mr. Speaker: At the end of the year the hon. Minister will give a report of the complaints received in general and their disposal. That would satisfy the Members.

Shri S. C. Samanta: May I know how many out of the 167 complaints related to institutions directly under the Ministry were in the form of suggestions?

Mr. Speaker: The hon. Minister need not answer these questions. There is a cell, which has been established. If they want to know what exactly is happening, the hon. Members may also send complaints.

Salar Jung Museum, Hyderabad

*210. **Shri T. B. Vittal Rao:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) at what stage is the proposal to construct a building for housing Salar Jung Museum at Hyderabad;

(b) when the construction is likely to commence;

(c) what is the income derived from the Museum during 1958-59; and

(d) whether there is any proposal to reduce the admission fee?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Steps are being taken to prepare the Plans and Estimates of the proposed building.

(c) Rs. 2,14,583.54 nP

(d) No, Sir.

Shri T. B. Vittal Rao: May I know what is the estimated cost of the building that is to be constructed to house this?

Shri Humayun Kabir: The estimates are being prepared. Therefore, I cannot give an accurate figure. It is likely to be about Rs. 20 to Rs. 25 lakhs.

Shri T. B. Vittal Rao: May I know when these are to be finalised?

Shri Humayun Kabir: We are hoping to start construction before the end of the financial year.

Shri Heda: In reply to (c) the hon. Minister has stated that the income is about Rs. 2 lakhs. What is the

running expenditure for the same period?

Shri Humayun Kabir: The expenditure for the year was Rs 2,09,398-36 nP.

सेठ अजय सिंह : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि जो बिल्डिंग बनाई जा रही है वह कितना एरिया कवर कर रही है ?

श्री हुमायून कबीर : मैंने उनको कहा है कि इस तरह के बड़े म्यूजियम के लिये क्लोर एरिया शुरू में कम से कम डेढ़ लाख स्क्वायर फीट होना चाहिये। यह मेरा उनके पास जेशन है।

Shri N. R. Maniswamy: Has it been brought to the notice of Government that the museum pieces and exhibits are laden with dust and dirt and no care is taken to clean them?

Shri Humayun Kabir: It is not correct to say that no care is being taken, but when lakhs of visitors visit the place and there are no proper buildings, I admit that they are not as properly cared for as they could be, and that is why I wanted a new building as soon as possible

M/s Smith Stanistreet and Co., Calcutta

*211. { ⁺ Shri Morarka:
Shri Nathwani:

Will the Minister of Finance be pleased to state.

(a) whether it is a fact that the Life Insurance Corporation has nominated its representative as a director on the Board of Messrs Smith Stanistreet and Co., Calcutta,

(b) if so, the name of the person, and

(c) whether any complaint has been received by the Life Insurance Corporation against this person from the shareholders and members of the public?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) Yes, Sir.

(b) Shri S. D. Srinivasan

(c) No, Sir.

Shri Morarka: May I know whether it is a fact that this company, Messrs. Smith Stanistreet & Co., issued shares and they were issued at Rs 2-8-0 when the market price was Rs 10 and the shares were taken by the directors personally?

Shrimati Tarkeshwari Sinha: No, Sir. It is not a fact. Actually, the Company issued in 1958 November ordinary shares of Rs 5 at Rs 4 20 as the company said they would allow 80 nP as profit on the ordinary shares.

Shri Morarka: May I know whether the new shares which were issued by this company were at all subscribed to by the Corporation, or whether they were subscribed to by the directors personally?

Shrimati Tarkeshwari Sinha: The Corporation had already nearly 75 per cent of the preference shares and 85 per cent of the ordinary shares. The Corporation was not interested in buying those additional shares.

Shri Morarka: My question is whether this director got any shares personally and made the profit himself.

Shrimati Tarkeshwari Sinha: No, Sir. He is an executive director appointed by the Corporation. The question does not arise.

Shri Narayanankutty Menon: May I know whether it is a fact that this director has got direct interest in the shares of Smith Stanistreet & Co., and before his nomination he purchased in his personal capacity some shares of the company?

Shrimati Tarkeshwari Sinha: The director Mr. S. D. Srinivasan?

Shri Narayanankutty Menon: Yes

Shrimati Tarkeshwari Sinha: I am not aware of it.

Shrimati Renuka Ray: Will the hon. Minister find out and let us know, because it is rather a serious complaint?

Shrimati Tarkeshwari Sinha: Some other director of the company did so, because the company decided that they would give ordinary shares to the employees of the company first, that is, first priority will be given to them. And one of the directors who is Secretary of the Board of Directors bought those shares, because a circular or a notification or a directive was issued by the company. So, the question does not arise so far as this particular person is concerned.

Conduct Rules for Corporation Employees

*212. **Shri Morarka:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government have issued a circular to all the Government Corporations recommending that the Central Civil Service (Conduct) Rules, 1955 may be applied to their employees; and

(b) if so, the reasons for the same?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). Yes; a copy of the circular which is self-explanatory is laid on the Table of the House [See Appendix I, annexure No. 66]

Shri Morarka: May I know when the circular was issued?

Shri Datar: The hon. Member can easily see the date. It was issued on the 14th March, 1956.

Shri Morarka: May I know whether any of the instructions have since been revised, so far as this particular matter is concerned?

Shri Datar: This is, I believe, the last instruction.

Shri S. M. Banerjee: May I know whether the service conditions and the wages of the corporation employees have also been considered by the Pay Commission, and the new conditions will be applied to them?

Shri Datar: These instructions deal with the disciplinary question, and, therefore, this circular was issued in 1956.

Shri S. M. Banerjee: What about the other conditions? I wanted to know whether they are regarded as Government employees because this rule is specifically meant for the Government employees. My submission is that they are not full-fledged Government employees. So, how can this circular be applied to them?

Mr. Speaker: The hon. Member wants to know whether the corporation employees stand on the same footing as Government employees for the purpose of these rules.

Shri Datar: I may point out that there are three categories of corporations. One category is where the finances are entirely borne by Government; in those cases, directions have been given. In other cases, where the corporations are controlled or partly financed by the Central Government, it has been stated that wherever possible these rules should be adopted. In other cases, we have requested the corporate bodies under the various Ministries to take action, because it is an advice to them.

Shri Shree Narayan Das: May I know the extent to which the various categories of corporations have been able to give effect to the recommendations of the Central Government in this regard?

Shri Datar: These are the three categories. I have not got any further categories.

लेट बचल तिहू : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि उत्तर प्रदेश में जो नये कॉर्पोरेशन बनाये जा रहे हैं, क्या उनमें भी यही रूल लागू किये जायेंगे ?

Shri Datar: This question deals with corporations connected with the Central Government. My hon friend possibly is referring to certain municipal corporations in U.P. I do not know whether that question arises out of the main question.

Shri Morarka: The statement says that the activities of the employees would be restricted in the same manner as those of persons working directly under Government. May I know whether that would not reduce the flexibility and introduce rigidity in the working and management of these corporations?

Shri Datar: Some sort of restraint is essential in the interests of the good working of the corporations.

Shri Anthony Pillai: Is the hon Minister aware that the High Court has held that some of these rules are illegal when they are applied to industry, and if so, to what extent have these rules been modified by these corporations in the light of the High Court's decision?

Shri Datar: Whenever there is any adjudication by the High Court, it is fully looked into, and necessary action is taken.

Shri S. M. Banerjee: May I know whether it has been brought to the notice of the Minister that the Labour Minister called a conference of the representatives of the corporation employees' unions and Government officials, and if so, whether these rules have been framed in the light of the deliberations of that conference?

Shri Datar: These are the general instructions which we have issued. It is for the various Ministries concerned to take proper action.

Petroleum Concession Rules

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*112. { **Shri Narayanankutty Menon:**
Shri Punnoose:

Will the Minister of Steel, Mines and Fuel be pleased to state

(a) whether Government have finalised the revision of Petroleum Concession Rules, 1949; and

(b) if not, the reasons therefor?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No Sir

(b) Revised rules relating to petroleum and natural gas had to be re-drafted in the light of the reassessment of programmes and requirements. Before finalization, the clearances of various Ministries, the Planning Commission and the Cabinet are to be obtained. It is expected that the revised rules will be promulgated in the near future.

Shri Narayanankutty Menon: May I know whether it is a fact that there is a proposal before Government for the reorientation of the policy of licensing in regard to petroleum concessions, both for exploration and production, and that is the reason why the petroleum licensing rules have not been finalised so far?

Shri K. D. Malaviya: I have from time to time indicated the policy that we are pursuing in this connection. I have already said that as and when required, if there are parties who are willing to come and join us in this quest for oil, we shall see whether those applications can be considered or not, provided they are within the framework of our declared policy.

Shri Narayanankutty Menon: May I know whether there are under consideration of the Government of India certain proposals made by Lord Mountbatten and John D. Rockefeller giving certain advice as far as the licensing of petroleum concessions is concerned and also as far as the policy regarding concessions in respect of oil is concerned?

Shri K. D. Malaviya: I know nothing about the letters coming from foreign personnel to advise the Government of India to modify their policy. We are not influenced by such letters.

Excise Duties

*217. **Shri Hem Raj:** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 1401 on the 11th September, 1959 and state the decision taken by Government in regard to replacement of sales taxes by additional excise duties on selected commodities and sharing of expenditure on natural calamities?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): The question of replacement of sales taxes by additional excise duties on certain selected commodities is still under consideration.

As regards the sharing of expenditure on natural calamities it was suggested at the meeting that all outstanding claims should be settled early and this is being attended to.

Shri Hem Raj: In view of the fact that the question of replacement of sales tax by excise duties has rather facilitated evasion of taxes, may I know by what time the decision on this point would be taken?

Shrimati Tarkeshwari Sinha: So far as the first part of the question is concerned, it is a wrong presumption. So far as the second part is concerned, as I have stated, the committee has still not finished its deliberations.

Shri Hem Raj: May I know whether the views of the State Governments have been called for on this point, and if so, what the views of the different State Governments are?

Shrimati Tarkeshwari Sinha: The views have been called for from the State Governments, some of them have sent their views, but not all of them, and we are expecting to get the replies from the other State Governments to a questionnaire that was sent by this committee, and we are hoping that they will be received very soon.

Shri S. M. Banerjee: May I know the selected commodities on which

sales tax is going to be converted into excise duty?

Shrimati Tarkeshwari Sinha: The whole thing will be considered after the reports from the States are received.

Survey for Copper

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*218. { **Shri Ramji Verma:**
Shri Hem Barua:
Shri Muhammed Elias:
Shri Karni Singhji:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that surveys undertaken recently in Darjeeling, Khetri and Kurnool areas indicate rich deposits of copper;

(b) if so, what are the details of these discoveries;

(c) whether any foreign help or collaboration is sought in this connection; and

(d) if so, the nature thereof?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). Recent drilling operations undertaken by the Geological Survey of India and the Indian Bureau of Mines in Khetri, Rajasthan; Kurnool, Andhra Pradesh have indicated some mineralised zones, but it is still premature to say anything about the full potentiality of the above areas. Recently no geological survey for copper has been conducted in Darjeeling.

(c) and (d) Government have not so far sought any foreign collaboration.

श्री रामजी वर्मा : क्या मंत्री जी यह बताने की कृपा करेंगे कि क्या इसमें व्यापारिक दृष्टि से कुछ लाभ की आशा है ?

श्री क० ड० मालवीय : अभी तो इसकी खोज-बीन जारी है। कुछ जगहों में सफल

बालू पड़ता है कि बापर—ताबा—काफी मिक्चर में मिलेगा और उसका हम वहाँ उद्योग बालू कर सकेंगे, लेकिन पूरी तौर से सफ़ाई नहीं सामने नहीं आई है। मैं समझता हूँ कि अभी थोड़ा समय और लगेगा।

Shri Karni Singhji: May I know whether any survey has been carried out in northern Rajasthan in an area called Daribo where copper was once found?

Shri K. D. Malaviya: Yes, we are at present investigating in the Daribo area, although the mineralisation is not very extensive, yet we have found some pockets of rich copper ore, and the total assessment is still to be made before we can come to any conclusion.

Shri V. P. Nayar: May I know whether, as a result of such drilling in Khetri and Kurnool, any indications are available as regards the depth of the ores and also the percentage of recoverable copper therein?

Shri K. D. Malaviya: We have some information with regard to all these places where investigations are going on. But I am sorry I will not be able to give just now details as to the depth of the ore and so on in Kurnool. If my hon. friend gives notice, I shall give the information.

Shri V. P. Nayar: In drilling

Shri T. B. Vittal Rao: He may not be able to give the depth, but have they not analysed the samples taken?

Shri K. D. Malaviya: I have not got that information just now with me in regard to the Kurnool area.

Shri V. P. Nayar: This is quite surprising. This question naturally flows from the original question.

Mr. Speaker: All the three places, Darjeeling, Khetri and Kurnool, are indicated in part (a) and it has been asked whether there are indications of rich deposits of copper there. That was the question. The hon. Minister evidently overlooked that.

261 (A1) LSD—2

Shri K. D. Malaviya: I have some information about Kurnool, but details as to the depth etc. are not available with me. I have, for instance, this information. The Indian Bureau of Mines say that after geological survey and geophysical prospecting, a narrow zone of copper-bearing minerals has been encountered in the first hole. I am not in a position to tell you the depth. If my hon. friend gives notice by means of a separate question, I will give that information.

Shri Vidya Charan Shukla: Is it not a fact that we are chronically deficient in the supply of copper in our country? Also, have not the deposits at Khetri been known for a long time? If so, why has no speedy action been taken to exploit these deposits properly so that we could have stopped the import of copper into the country?

Shri K. D. Malaviya: It is a fact that we are chronically short of copper. Perhaps the geological view is that in this part of the globe, copper may not be found in large quantities. In Khetri, of course, we have found out some mineralised zones. It was for a number of years lined with a private party. They did not think it worthwhile to pursue investigation. The Government took it over from them and proceeded with the work. More than half the work is completed and I hope we shall be in a position to start with project reports for exploitation.

Shri T. B. Vittal Rao: May I know if Government have already taken over from Birlas these Khetri deposits?

Shri K. D. Malaviya: Yes. The arrangement between us is that finally the copper mines will be taken over from them. Some sort of negotiation is still going on, but work has been undertaken by the Indian Bureau of Mines with regard to detailed investigation.

Shri C. D. Pande: Has Government's attention been drawn to the fact that apart from these new surveys, there is

already an established mine in the district of Almora which has been lying unworked for many years?

Shri K. D. Malaviya: Yes We are aware of these small mineralised zones in the Himalayas also But the difficulty is that now the entire concept of exploitation of copper has become so large and comprehensive that we cannot be guided by the old method of working of our ancient people

Shri Kashiwal: There are persistent reports that the Khetri area is supposed to be exploited in collaboration with Poland and some Polish experts have also seen the area How far are these reports true?

Shri K. D. Malaviya: No, there is no proposal to work the Khetri mines in collaboration with any foreign Power There is a proposal from the Polish Government to supply us some equipments and technical advice for mining From that point of view, certain technicians had come here and they are still pursuing the matter, whether they are in a position to sell us some equipment or not.

Shri Vidya Charan Shukla: May I know if a very promising deposit has recently been discovered in the Sikkim area, which contains not only copper but also zinc and silver? What steps are the Indian Bureau of Mines taking to expedite the proving of that deposit?

Mr. Speaker: We are going from one area to another.

Shri T. B. Vittal Rao: It is about copper.

Mr. Speaker: It may be copper, but the question was confined to three areas only

Shri K. D. Malaviya: In Sikkim, we have been searching for copper for some time, and we have discovered copper there.

Shri T. B. Vittal Rao: May I know if Government are aware of the fact

that in some industrial countries they are exploiting even ore of lower grade than our ore?

Shri K. D. Malaviya: Yes, provided the copper ores are extensive and the quantities found are quite big. We presume that the Khetri copper mines have that prospect.

Sea-Hawk Fighter Aircrafts

*219 **Shri Rameshwar Tantia:** Will the Minister of Defence be pleased to lay a statement showing the details of the deal regarding the purchase of Sea-Hawk fighter Aircraft from M/s. Hawker Siddley Group of UK?

The Deputy Minister of Defence (Shri Raghuramaiah): It is not in the public interest to give out the details of the contracts

Shri Rameshwar Tantia: Did we have proposals from other manufacturers from other countries? If so, were they examined, and with what result?

Shri Raghuramaiah: All available offers have been examined The naval authorities were completely satisfied and the purchase was made through the Director-General, Supplies and Disposals, after the usual procedures and technical examinations were completed

Shri Vidya Charan Shukla: Which were the other types of fighter aircraft which were offered for purchase by us, and on what specific points was the Sea-Hawk preferred?

Shri Raghuramaiah: That would be giving out the technical opinion. We should trust our naval advisers, that they have taken all aspects into account and advised the acquisition of the best type of aircraft that is suitable for the purpose.

Shri Vidya Charan Shukla: What is the total value of the contract?

Shri Raghuramaiah: That is going into details.

Mr. Speaker: What is the total value of the purchase? The House is entitled to know that. That will not be going into details.

Shri Raghuramalah: Of course, we are in your hands. But if we give the price of the aircraft, then it would be possible to find out the number of the aircrafts.

Mr. Speaker: What is the total amount that has to be invested in this?

Shri Nath Pai: By this time in the professional English journals, the details would have been published. Only this House is not taken into confidence. You are hiding it from us only. (*Interruption*) That is your conception of secrecy?

Shri Feroze Gandhi: Ask for notice.

Shri Raghuramalah: There are different types involved here.

Mr. Speaker: Nobody wants those things. What is the total amount involved?

Shri Raghuramalah: Amount ₹15 lakhs.

Shri M. R. Krishna: May I know whether the Sea-Hawk fighter meets all the requirements of the Defence forces?

Shri Raghuramalah: This is meant for the Aircraft Carrier.

Pension for U.P.S.C. Members

*222 **Shri Vidya Charan Shukla:** Will the Minister of Home Affairs be pleased to state.

(a) whether any decision has been taken on the question of providing pension to such members of the Union Public Service Commission who were not in pensionable service at the time of appointment to the Union Public Service Commission; and

(b) if so, the nature thereof?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

Shri Vidya Charan Shukla: Since what time this question has been pending before Government, and why has an expeditious decision not been taken.

Shri Datar: This question is not before us in the way in which the hon. Member thinks that it is. Under article 318(a) of the Constitution, regulations have to be framed about the conditions of service of members of the Union Public Service Commission. The whole matter is under consideration.

L.I.C. Loans for House Construction

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*223 { **Shri T. B. Vittal Rao:**
 Shri Ram Krishan Gupta:
 Shri Warlor:
 Shri Kodiyan:
 Shri Anirudh Sinha:
 Shri Daman:

Will the Minister of Finance be pleased to state

(a) whether it is a fact that the Life Insurance Corporation is considering a scheme for the grant of loans to Policy-holders at privileged rates for housing purpose, and

(b) if so, at what stage the scheme is?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) and (b) A draft scheme to encourage house building by Policy-holders has been drawn up and is under consideration of the Life Insurance Corporation.

Shri V. P. Nayar: What percentage of the amount covered by the policy would be given as loan?

Shrimati Tarkeshwari Sinha: I have stated that the scheme is under consideration by the Corporation. It is only after the details are worked out that I will be in a position to say that.

Shri Bimal Ghose: Who prepared the scheme and when was it sent to the L.I.C. for consideration?

The Minister of Finance (Shri Morarji Desai): The L.I.C.

Shrimati Tarkeshwari Sinha: It is proposed to grant loans to the apex co-operative banks, co-operative housing societies and others where apex co-operatives do not exist or individual policy holders also. The details will have to be worked out.

Shri Morarji Desai: The scheme is not drawn up by the Government. It is drawn up by a Committee of the L.I.C. We had nothing to do with it.

Shri Feroze Gandhi: May I know whether the L.I.C. advances housing loans for construction of colonies by concerns in the public sector?

Shri Morarji Desai: The L.I.C. subscribes to the loans of the Government which are utilised for this purpose.

Shri Feroze Gandhi: If a public sector corporation desires to set up a housing colony, would the L.I.C. advance money for that purpose?

Shri Tyagi: He is pursuing his own case. I am sorry this is not the forum. As Chairman of a public corporation, he has put a question pertaining to his own corporation.

Shri Morarji Desai: May I say that if a public corporation of the Government sets up a housing colony, it is part of that scheme. No separate loan can be taken for this purpose. It is part of the funds supplied for that purpose and the L.I.C. subscribes to such loans.

WRITTEN ANSWERS TO QUESTIONS

मनीपुर और त्रिपुरा प्रशासन में बचत

*१६७ { श्री म० सा० दिवेदी
श्री बी० ना० तिवारी
श्री बलुम तारी

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) मनीपुर और त्रिपुरा के केन्द्र शासित प्रदेशों में प्रशासनिक व्यय कम करने की दिशा में जो सुधार कार्यान्वित किये जा रहे हैं उनकी रूपरेखा क्या है;

(ख) इन सुधारों के फलस्वरूप इन केन्द्र शासित क्षेत्रों में से प्रत्येक राज्य में कितनी बजट बचत होगी;

(ग) ये सुधार कब धारम्भ किय गये और उन्हें पूर्ण रूप से कब लागू किया जावेगा; और

(घ) इस कार्य में देरी के क्या कारण हैं ?

गृह-कार्य मंत्री (श्री पन्त) : (क) से (घ). मनीपुर और त्रिपुरा की प्रशासनिक व्ययस्थिति के पुनर्गठन के सवाल पर ध्यानपूर्वक विचार हो रहा है। पुनर्गठन के उद्देश्य निम्नलिखित हैं :—

(i) सचिवालय की व्यवस्था का वैज्ञानिक (Rationalisation) करना ;

(ii) सचिवालय में कर्मचारियों की संख्या में कमी करना और जहाँ तक व्यवहारिक हो विभाग अधिकारियों की व्यवस्था करना जो सीधे चीफ कमिश्नर के अधीन काम करें और जिन्हें अपना काम सचिव द्वारा न भेजना पड़े, और

(iii) मामलों का शीघ्र निपटारा करना

इससे बितनी बचत होने की संभावना है इसका अनुमान तब तक नहीं लगाया जा सकता जब तक कि इन सुझावों को अंतिम रूप नहीं दे दिया जाये।

एक एक करके केन्द्र प्रशासित क्षेत्रों में पुनर्गठन का काम हाथ में लिया जा रहा है और इसमें कोई देर नहीं हुई है।

Foreign Books on Scientific and Technical Subjects

*200. { Shri Ramakrishna Reddy:
Shri Madhusudan Rao:
Shri Rameshwar Tantia

Will the Minister of Education be pleased to state:

(a) whether the scheme for sale of cheaper editions of foreign books on scientific and technical subjects and on humanities and social sciences to the students has been finalised, and

(b) whether University Grants Commission has approved the scheme and guaranteed the sale of a certain quota of such publications?

The Minister of Education (Dr. K. L. Shrimall): (a) No, Sir

(b) The University Grants Commission would like to encourage the Indian publishers to bring out cheap editions of foreign technical and other books required by Universities/Colleges and for this purpose would be willing to give a guarantee of minimum sale to Indian publishers

Key-Boards of Hindi Teleprinter and Typewriter

*214 { Shri Pangarkar:
Shri Kalika Singh:

Will the Minister of Education be pleased to refer to the reply given to Starred Question No 841 on the 27th August, 1959 and state

(a) whether key-boards for Hindi teleprinter and typewriter have been finalised, and

(b) if so, the particulars thereof?

The Minister of Education (Dr. K. L. Shrimall): (a) No, Sir

(b) Question does not arise

Limit on Number of Students in Colleges

*215. Shri Subbiah Ambalam: Will the Minister of Education be pleased to state:

(a) Whether the recommendation of the University Grants Commission that there ought not to be more than 1,000 students in one particular College has been accepted by all the States, and

(b) if not, the names of States which have not accepted the recommendation and the reasons for the same?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b) A statement is laid on the Table of the House [See Appendix I, annexure No 67]

Arrears in Delhi Courts

*216. Shri Tangamani: Will the Minister of Home Affairs be pleased to state the steps taken or proposed to be taken by Government for expediting the disposal of cases in Delhi Courts?

The Minister of Home Affairs (Shri G. B. Pant): A statement giving the required information is placed on the Table [See Appendix I, annexure No 68]

Durgapur Steel Plant

*220. Shri Aurobindo Ghosal: Will the Minister of Steel, Mines and Fuel be pleased to state

(a) what are the sections of the Durgapur Steel Plant which have been handed over to the Indian engineers,

(b) whether the Indian engineers are receiving training in Durgapur Steel Plant, and

(c) if so, how many and in what sections?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No section of the Durgapur Steel Plant has yet been handed over to the Project authorities by the contractors

(b) Yes, Sir

(c) One hundred and ninety-five Indian Engineers after training abroad, have been posted to the Durgapur Steel Plant in various sec-

tions Of these 74 have been attached to Member-firms of ISCON for familiarisation with work in different sections Majority of them are attached to the coke ovens, by-product plant, power house, coal washery and the blast furnace Besides, 89 Indian Engineers have also been allotted to International Construction Company for the technical supervision of the works

Nahorkatiya-Barauni Oil Pipe Line

*221 { Shri S. A. Mehdi:
Shrimati Mañda Ahmed:
Shri Hem Barua:

Will the Minister of Steel, Mines and Fuel be pleased to state

(a) the total cost of the pipelines to be laid between Nahorkatiya Oil Fields and Barauni (via Gauhati) according to the agreement concluded between the Government of India and Burmah Oil Company, and

(b) when is the work likely to be completed?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) The first cost estimates of the project prepared by Burmah Oil Company (Pipe Lines) indicate that the total cost of the project will be approximately £40,500,000 (Rs 54 crores)

(b) The Section from Nahorkatiya oilfields to Noonmati (Gauhati)—a distance of 261 miles—is to be completed by 1st April 1961 or the date on which the Noonmati Refinery is ready to receive crude oil, whichever date is later The remaining Section between Noonmati and Barauni (Bihar)—a distance of 459 miles—is to be completed by 1st April, 1962 or the date on which the Barauni refinery is ready to receive crude oil, whichever date is later.

College Education in Delhi

*224 { Shri Ajit Singh Sarhadi:
Sardar Iqbal Singh:
Shri Ram Krishan Gupta:
Shri D. C. Sharma:

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No 792 on the 13th August, 1959 and state

(a) whether the Working Group for studying the problem of college education in Delhi and to recommend measures for solving it on a long term basis has been appointed and constituted formally, and

(b) if so, the nature of work done so far by this Working Group?

The Minister of Education (Dr K. L. Shrimani): (a) Yes, for studying the needs of both collegiate and school education in Delhi

(b) The Working Group has constituted two sub-committees, one on school and other on collegiate education The Sub Committee on Collegiate Education met in Delhi on 24th September, 1959 and has submitted its report which will be considered by the Working Group shortly

Hindi Teachers' Training Colleges

*225 { Shri Subodh Hansda:
Shri S. C. Samanta.
Shri Vidya Charan Shukla:

Will the Minister of Education be pleased to state

(a) whether the proposal to open Hindi Teachers' Training Colleges on zonal basis has been finalised,

(b) if so, the number of such Colleges opened so far, and

(c) the number of teachers undergoing training in these Colleges?

The Minister of Education (Dr. K. L. Shrimani): (a) It has been decided to

open Hindi Teachers' Training Colleges for non-Hindi speaking States on a zonal basis, depending on actual requirements.

(b) None. Details for starting two colleges are being finalised.

(c) Does not arise.

हिन्दी निदेशालय

*२२६. श्री भक्त वर्मान : क्या शिक्षा मंत्री २७ अगस्त, १९५६ के ताराक्षित प्रश्न संख्या ८२३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि शिक्षा मंत्रालय के अन्तर्गत हिन्दी का एक अलग निदेशालय स्थापित करने की दिशा में इस बीच क्या प्रगति हुई है ?

शिक्षा मंत्री (डा० भीमाली) : प्राचा है यह निदेशालय वित्त वर्ष १९५६-६० के समाप्त होने से पहले ही स्थापित हो जायेगा।

Ban on the 'Valmiki Ramayana' by Aubrey Menon

*227. Shri S. M. Banerjee: Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 1383 on the 11th September, 1959 and state whether the book entitled 'Valmiki Ramayana' by Aubrey Menon has been banned?

The Minister of Home Affairs (Shri G. B. Pant): The entry of two books entitled "The Ramayana" and "Rama Retold" by Aubrey Menon has been banned under the Sea Customs Act, 1876, and the sale of these books has also been prescribed. No book bearing exactly the title of "Valmiki Ramayana" by Aubrey Menon has been available.

Research on Assam Coal

*228. Shri T. B. Vittal Rao: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any research has been conducted by the Fuel Research Institute for removing sulphur from coal raised from Assam coalfield; and

(b) if so, with what result?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Yes, Sir. Experiments indicate that sulphur can be removed as volatile compounds by passing hot hydrogen or water gas over the coal during carbonization at temperatures $925^{\circ}\text{C} \pm 25^{\circ}\text{C}$. As much as 70-75 per cent of sulphur can be removed by this method.

Land for Delhi Colleges

*229. { Shri S. A. Mehdi:
Shri D. C. Sharma:

Will the Minister of Education be pleased to state:

(a) whether all the new colleges had been allotted land in Delhi for their buildings;

(b) if so, the price charged per college, and

(c) whether any protest has been received about this allotment?

The Minister of Education (Dr. K. L. Shrivastava): (a) to (c). A statement giving the requisite information is laid on the Table of the Sabha.

STATEMENT

Five colleges in Delhi have been allotted land in Delhi for building their colleges. One more college is likely to be allotted land shortly. The colleges have been charged at the rate of Rs. 5,000 per acre plus annual ground rent of 5 per cent of the premium for 3 acres of land to be utilised for the construction of the main college buildings; at the rate of Rs. 36,000 per acre plus 5 per cent annual ground rent thereon for 2 acres of land to be utilised for construction of hostel, staff quarters, etc; at a nominal rent of Re. 1 p.a. on annual tenancy basis for the balance of the land to be utilised for the purpose of

playing ground. No protest has been received about these allotments.

ग्रामीण संस्थाओं के स्नातक

*२३०. श्री म० सा० द्विवेदी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) ग्रामीण संस्थाओं द्वारा दी गई स्नातक उपाधि को किन-किन विश्वविद्यालयों ने मान्यता दी है;

(ख) उस उपाधि को अन्य विश्वविद्यालयों द्वारा मान्यता दिलाने के लिये शिक्षा मंत्रालय ने क्या प्रयत्न किये हैं और उनमें सफलता मिलने की क्या सम्भावना है,

(ग) क्या इन संस्थाओं के छात्रों को यह आवासन दिया गया था कि वे विकास केन्द्र, समाज कल्याण केन्द्र और समाज शिक्षा विभाग में पदाधिकारियों के पद के लिये पात्र होंगे,

(घ) यदि हाँ, तो वे मुविगारे अब उन्हें क्यों नहीं दी गई हैं, और

(ङ) अब तक इन संस्थाओं से कितने स्नातकों ने सफलतापूर्वक अ. ए. पाठ्यक्रम पूरा किया है और उनसे से कितने रोजगार पा चुके हैं ?

शिक्षा मंत्री (डा० भीमाली): (क) से (ङ). विवरण समा-नटल पर रख दिया गया है ।

विवरण

(क) ग्राम संस्थान उपाधि नहीं देते तथापि, ग्राम उच्च शिक्षा की राष्ट्रीय परिषद् ग्राम सेवा व सिविल तथा ग्राम इंजीनियरी की सन्देश और कृषि विज्ञान के प्रमाण-पत्र देती है । केवल ग्राम सेवाओं की सनद ही एक मान्यता प्राप्त विश्वविद्यालय की प्रथम उपाधि के बराबर मानी जाये । अभी तक इस सदन को किसी भी विश्वविद्यालय ने प्रथम उपाधि के बराबर नहीं माना है ।

(ख) शिक्षा मंत्रालय ने भारत के अन्तर्विश्वविद्यालय बोर्ड से प्रार्थना की है कि वह मान्यता देने के प्रश्न की जाँच करे और बोर्ड ने एक समिति बनायी है जो ग्राम संस्थाओं में जाकर, उनके द्वारा दी जा रही शिक्षा के स्तर का निर्वारण करेगी । आशा है यह समिति अपना काम शीघ्र ही पूरा कर लेगी ।

(ग) और (घ) इस प्रकार का कोई आवासन भारत सरकार ने नहीं दिया है, परन्तु शिक्षा मंत्रालय, सामुदायिक विकास और सहकारिता मंत्रालय, वाणिज्य और उद्योग मंत्रालय तथा ग्राम संस्थान भी विभिन्न ग्राम सेवा के सन्देशधारियों को रोजगार देने का भरसक प्रयत्न कर रहे हैं । यह नौकरियाँ इन सन्देशों को भारत सरकार और कुछ राज्य सरकारों द्वारा रोजगार के लिये किसी मान्यता प्राप्त विश्वविद्यालय की प्रथम उपाधि के बराबर मान्यता देने के आधार पर दी जायेंगी ।

(ङ) ग्राम संस्थानों से विभिन्न पाठ्यक्रमों को उत्तीर्ण करने वाले व्यक्तियों के रोजगार पर लगने की स्थिति इस प्रकार है :-

पाठ्यक्रम का नाम	पाठ्यक्रम सफलतापूर्वक पूरा करने वाले व्यक्तियों की संख्या		रोजगार पर लगे या उच्च अध्ययन के लिये गये व्यक्तियों की संख्या	
	१९५८	१९५९	१९५८	१९५९
१. ग्राम सेवा की सनद	१५८	१५८	३८	३८
२. सिविल व ग्राम इंजीनियरी की सनद	३५	३५	२१	२१
३. कृषि विज्ञान का प्रमाण-पत्र	६५	६१	३०	३५

Wealth Tax

*231. **Shri Ram Krishan Gupta:** Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 719 on the 13th August, 1959 and state:

(a) whether Government have now assessed the effects of Wealth-tax in detecting cases of concealment of other taxes; and

(b) if so, the nature of the effects assessed?

The Deputy Minister of Finance (Shrimati Tarkeshwarj Sinha): (a) Yes, Sir.

(b) Since the introduction of Wealth-tax up to 30-9-59, about 69 cases of concealment of other direct taxes viz., income-tax, gift-tax and expenditure-tax have been detected as a result of scrutiny of wealth-tax records. The amount of concealment involved is about Rs. 36 lakhs and the additional tax effect will be known when assessment in all these cases is completed.

Junior Technical Schools

*232. **Shri S. A. Mehdi:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the scheme for the Rs. 3 crores plan for setting up 30 Junior Technical Schools has been accepted by States, and

(b) if so, the names of the States and the amount of grant so far given for such schools?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). A statement is given below.

STATEMENT

There is no specific scheme as such for the setting up of 30 Junior Technical Schools, drawn up by the Centre for acceptance by the States. A model scheme for a school of this type has, however, been sent to the States and it is left to them to decide

the number of such schools which they will establish under the Second Five Year Plan.

According to the information available, the Governments of Bihar, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal have accepted the scheme and decided to establish these schools during the current Plan period. So far, 19 schools have been started in the various States and one in the Union Territory of Pondicherry.

Consolidated sums of money are sanctioned by way of Central assistance for all approved schemes of Technical Education in each State. It is, therefore, not possible to give at this stage precise figures of aid for Junior Technical Schools.

इस्पात का वितरण

३३६ क्या इस्पात, लान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) कलकत्ता, बम्बई और मद्रास के लोहा और इस्पात निषेधको द्वारा १ अप्रैल, १९५७ से ३० मार्च १९५८ तक की अवधि में कितने व्यक्तियों को वाणिज्यिक रूप से आयात किया गया इस्पात बाटा गया,

(ख) जिन कारखानों को इस्पात दिया गया उनमें से कितने कारखानों को अधिनियम के अन्तर्गत पंजीकृत किया गया है, और

(ग) पंजीकृत कारखानों को सम्बन्धित राज्यों के उद्योग निदेशको अथवा केन्द्रीय सरकार से प्रति वर्ष कितना कोटा मिलता है ?

इस्पात, लान और ईंधन मंत्री (सरदार स्वर्ण सिंह): (क) वे व्यक्ति जिनको वाणिज्यिक रूप से आयात किया गया इस्पात बाटा गया या निम्नलिखित थे —

व्यक्तियों को संख्या

(i) कलकत्ता	६३१
(ii) बम्बई	६५०
(iii) मद्रास	४३१

(क) इस्पात का वितरण प्रारम्भिक उत्पत्ति अधिकारियों की सिकारियों के आचार पर किया जाता है जैसे राज्य सरकारें, उद्योग तथा वाणिज्य मंत्रालय का विकास स्कन्ध आदि। सिकारियों में यह नहीं बताया जाता है कि कारखाने, अधिनियम के अन्तर्गत पंजीकृत किये गये हैं अथवा नहीं। फिर भी, उन कारखानों की सूची, जो केन्द्रीय सूची में, अधि-

नियम के अन्तर्गत पंजीकृत हैं और जिन्हें इस्पात दिया जाता है ६१० है। उन कारखानों की संख्या जिन्हें इस्पात का वितरण विभिन्न राज्यों द्वारा किया जाता है, उपलब्ध नहीं है।

(ग) स्टील प्रोसेसिंग कारखानों को दिया गया इस्पात इस प्रकार है :—

	१९५७-५८	१९५८-५९	१९५९-६०
	टन	टन	टन
१. केन्द्रीय एसरी आई कोटा	३,३१,६५३	४,३३,४१७	५,१६,४७३
२. राज्य एसरी आई कोटा	१,०८,५८४	१,२२,३६६	१,७१,२१६
३. सवु स्तर उद्योग कोटा	५२,५१०	१,०७,६५०	२,७५,५००
योग	४,९२,७४७	६,६३,७३३	९,६३,१८९

Delhi Beggar Problem

340. Shri Hem Barua: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Delhi School of Social Work has studied the beggar problem of Delhi;

(b) if so, what are their recommendations; and

(c) action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) Yes.

(b) A statement showing the recommendations is laid on the Table of the House [See Appendix I, annexure No. 69.]

(c) The matter is under examination.

Production of Pig Iron in Steel Plants

341. Shri Dhanagar: Will the Minister of Steel, Mines and Fuel be

pleased to state the figures of production of pig iron at Bhilai per month since February upto September, 1959?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The monthly production of pig iron at Bhilai since February upto September, 1959, is given below:

Month	Production (In tons)
February, 1959:	16,025
March, 1959:	24,030
April, 1959:	27,158
May, 1959:	30,531
June, 1959:	28,854
July, 1959:	28,708
August, 1959:	32,271
September, 1959:	31,383

Hand-Carts for Municipal Scavengers

342. Shri Pangarkar: Will the Minister of Home Affairs be pleased to state:

(a) whether any financial assistance was given to Bombay State in 1958-59 for providing the municipal scavengers with hand-carts and wheelbarrows, and

(b) if so, how much?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) Yes, Sir

(b) Rs 1,00,000

Scheduled Castes and Scheduled Tribes in Bombay State

343 Shri Pangarkar: Will the Minister of Home Affairs be pleased to state

(a) the actual amount spent on Scheduled Caste and Scheduled Tribes agriculturists in Bombay State during 1958-59, and

(b) the number of agriculturists benefited thereby?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) and (b) The information is being collected from the State Government and will be laid on the Table of the House when received

Rifle Clubs

**344. { Shri N. M. Deb:
Shri Warior:
Shri Kodiyan:**

Will the Minister of Home Affairs be pleased to state:

(a) the number of Rifle Clubs in India (State-wise),

(b) the membership in each State;

(c) the steps taken to give them facilities to procure necessary firearms for target practice;

(d) steps taken to centrally co-ordinate their functioning and activities, and

(e) any other steps taken to promote more such clubs among students, factory workers and village peasants?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b) Up-to-date information is being collected from the State Governments/ Administrations and will be laid on the Table of the House in due course

(c) The following facilities are being given for the purpose:—

(i) Direct import of arms and ammunition, instead of through dealers,

(ii) Financial subvention by Government,

(iii) Supply at concessional rates by ordnance factories and loan of 22 rifles,

(iv) Liberal issue of licences to members of rifle clubs for target shooting weapons

(d) Co-ordination of activities of rifle clubs (which are private bodies) is attended to by the National Rifle Association of India. The Central Government have also issued circulars to State Governments regarding the policy and facilities to be granted for the functioning of rifle clubs

(e) No special steps have been taken in this regard

Department of Archaeology

345 Shri Narasimhan: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that some of the Circles of the Department of Archaeology are considered major and some minor;

(b) if so, which of them are major Circles and which minor,

(c) distinction between a major and a minor Circle;

(d) whether the head of a major Circle gets any extra pay or allowance; and

(e) the number of annual tours (inspection or otherwise) the Director General and the Joint Director-General of Archaeology have each made to each of the major and minor Circles during the years (i) 1956-59, (ii) 1957-58, and (iii) 1958-59?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) (i) MAJOR CIRCLES

1. Northern Circle, Agra.
2. South-western Circle, Aurangabad.
3. North-western Circle, New Delhi.
4. Southern Circle, Madras.

(ii) MINOR CIRCLES

1. Eastern Circle, Calcutta.
2. Mid-eastern Circle, Patna.
3. South-eastern Circle, Visakhapatnam.
4. Western Circle, Baroda.
5. Central Circle, Bhopal.
6. Jammu and Kashmir Circle, Srinagar.

(c) Major circles are distinguished from minor circles as the major circles cover larger area, contain larger number of monuments of national importance and therefore involve execution of greater volume of conservation work, etc.

(d) Yes, Sir. Rs 100 as Special Pay.

(e):

Year	Inspection done by the Director General		Inspection done by the Joint Director-General	
	Major Circle	Minor Circle	Major Circle	Minor Circle
1956-57	*8	18	*1	2
1957-58	*11	11	*7	7
1958-59	*12	13	*2	4

The information given in respect of inspection of major circles does not indicate the information in respect of North-Western Circle, New Delhi as no record of such inspection is kept in that Circle. The monuments in Delhi are frequently visited by the Director-General and Joint Director-General of Archaeology every month.

Basic Education for Scheduled Tribes

348. Shri Ramji Verma: Will the Minister of Education be pleased to state:

(a) whether it is a fact that more than 1,000 institutions have been opened for the basic education of Scheduled Tribes;

(b) the States in which such institutions have been opened; and

(c) the kind of training that is being imparted in such institutions?

The Minister of Education (Dr K. L. Shrimali): (a) to (c). The information is being collected and will be placed on the Table of the Lok Sabha

Production in Hindustan Aircrafts Ltd

347 Shri Kalika Singh: Will the Minister of Defence be pleased to state the value of total production in the Hindustan Aircrafts Private Ltd in 1959 so far?

The Deputy Minister of Defence (Sardar Majithia): Rs 634 70 lakhs (For the period January 1959 to October, 1959)

Archaeological Excavations in Punjab

348 Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether any archaeological excavation was carried out in Punjab during 1959-60, and

(b) if so, the results thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) None by the Department of Archaeology

(b) Does not arise

Land Revenue in Delhi

349 Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the average annual collections of land revenue from Delhi, and

(b) the total amount of land revenue likely to be collected after the implementation of the land reforms?

The Minister of Home Affairs (Shri G. B. Pant): (a) 3,62,326

(b) Rs. 4,16,675

Junior Basic Schools in Himachal Pradesh

350. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the number of Junior basic schools in Himachal Pradesh;

(b) the number of children studying in these schools,

(c) the number of teachers in these schools,

(d) the number of teachers who are confirmed, and

(e) the steps being taken to confirm the remaining teachers who have put in more than 3 years' service?

The Minister of Education (Dr. K. L. Shrimali): (a) to (e) The required information is being collected and will be laid on the Table of the Lok Sabha in due course

Admission to Engineering Colleges

351. Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No 194 on the 5th August, 1959 and state

(a) whether the Government of India have come to a final decision with regard to the proposal of the All India Council for Technical Education to hold common tests for admission to various engineering colleges in the country, and

(b) if so, what it is?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b) A majority of the States that were consulted, did not agree to a common admission test being held as recommended by the All India Council for Technical Education in 1958. The matter was therefore discussed at a Conference of State Chief Ministers held in May, 1959 where it was agreed that the States may reconsider the recommendation of the All India Council in

order that a system in consonance with the needs of the country may be evolved. The decisions of individual States are awaited

Details of a common admission test that may be held for the Higher Technological Institutes are being formulated in consultation with the authorities of the Institutes

Commercial Education

352. Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No 206 on the 5th August, 1959 and state the further progress made in examining the question of re-organisation of Commercial Education by a Joint Committee of the Inter-University Board, the All India Council for Technical Education and the University Grants Commission?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr M. M. Das): 1 Since August 1959, the Committee has held two meetings and discussed various other aspects of Education for Commerce, as for instance, Commerce education at Secondary education level, co-ordination between professional bodies and Commerce institutions, employment opportunities for Commerce graduates, Correspondence Courses, executive development programme etc. The Committee has also had the benefit of the advice of an American expert, whose services were specially made available by the Ford Foundation.

2 The Sub-Committees appointed by the Committee are formulating detailed proposals regarding Commerce education at the Secondary level, diploma courses in the Polytechnics, practical training of Commerce students and co-ordination between professional bodies and educational institutions.

3 Further replies received to the questionnaire are being analysed On-the-spot information is being collected by interviewing educationists, in-

dustrialists and others to supplement the material obtained through written replies to the questionnaire.

Re-employment of Retired Officers

353. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the number of Central Government Class I and Class II Officers who have been given extension or re-employment after superannuation in the year 1959-60 so far (Ministry/Department wise), and

(b) the main reason for these extension and re-employments?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b) The information is being collected and will be laid on the Table of the House in due course

Houses for Scheduled Castes in Himachal Pradesh

354 Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state

(a) the number of houses constructed for Scheduled Castes in rural and urban areas of Himachal Pradesh between 1954 and 1958, and

(b) the names of the various communities of Scheduled Castes living therein?

The Minister of State in the Ministry of Home Affairs (Shri Datar) (a) and (b) The information has been called for from the Himachal Pradesh Administration and will be laid on the Table of the House as soon as it is received

Humayun Tomb, New Delhi

355. Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the amount spent on the maintenance of Humayun Tomb, New Delhi, during 1958-59, and

(b) the amount proposed to be spent during 1959-60?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Rs. 7,914.

(b) Rs. 9,956.

Educational Institutions of Punjab

356. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the number of private educational institutions of the Punjab which applied for non-recurring grants from the Central Government during 1959-60 so far;

(b) the amount sanctioned to each institution so far;

(c) whether some such cases are still pending disposal; and

(d) if so, by what date the pending cases will be disposed of?

The Minister of Education (Dr. K. L. Shrivastava): (a) 99.

(b) Non-recurring grants were sanctioned to only 17 institutions as follows:

	Rs
1. Mukand Lal National College, Jamuna Nagar	14,476
2. Arya College, Ludhiana	1,06,163
3. Dev Samaj College for Women, Ferozepur	1,05,741
4. D.A.V. College, Ambala City	14,737
5. Vaish College, Bhiwani	1,720
6. Sohan Lal Training College, Ambala	12,583
7. Hindu College, Sonapat	1,00,000
8. Vaish College, Rohtak	26,666
9. G. G. N. Khalsa College, Ludhiana	8,333
10. Dev Samaj College for Girls, Ambala City	3,000
11. R.S.D. College, Ferozepur City	3,600
12. Montgomery G. N. Basic Training College, Jullundur	1,00,000
13. Kasturba Rural Institute, Raipura	93,120
14. G.H.G. Khalsa Training College, Gurusar Sadhar (Ludhiana)	837
15. Dayanand College, Hissar	1,216
16. S. M. Hindu High School, Sonapat	2,354
17. Thapar Institute of Engineering & Technology, Patiala	1,662

(c) Yes.

(d) It is not possible to mention the exact date of disposal; some cases have been rejected and some are under scrutiny. In other cases complete information is not available and has been called for.

Expenditure Tax Collections in Punjab

357. Shri D. C. Sharma: will the Minister of Finance be pleased to state the total amount collected as Expenditure Tax in Punjab State during 1958-59 (District-wise)?

The Minister of Finance (Shri Morarji Desai): District-wise collec-

tions made in the State of Punjab during 1958-59 are given below:

District	Collection
(Figure: in thousands of Rs.)	
1. Ambala	4
2. Amritsar	2
3. Bhatinda	30
4. Patiala	2,65
5. Sangrur	28
6. Simla	2
TOTAL	3,31

Scholarships for Post-Matric Studies in Hindi to Students of Non-Hindi Speaking States

358. Shri D. C. Sharma: Will the Minister of Education be pleased to state the number of non-Hindi speaking students (State-wise) who were awarded Government of India scholarships for higher education in Hindi during 1959-60, so far?

The Minister of Education (Dr. K. L. Shrimall): A statement showing the number of students from non-Hindi speaking States awarded Scholarships for higher education in Hindi during 1959-60 is attached.

Awards to students from the States of Assam, Bombay, Manipur and Punjab (non-Hindi speaking areas) have not been made yet as recommendations from these State Governments have not been received so far.

STATEMENT

Andhra	16
Kerala	14
Madras	24
Mysore	10
Orissa	2
Tripura	1

Production of Coal

359. Shri D. C. Sharma: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) how much of the target of production of coal fixed for the Second Five Year Plan has been achieved so far; and

(b) whether any programme for the remaining years of the Second Five Year Plan has been drawn up?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). Actual production of coal upto the end of September this year amounted to 35.44 million tons. This works out to an annual rate of production of 47.25 million tons, against the target of 60 million tons by the end of the current Plan period. Every effort will be made to reach this target by pushing forward with the implementation of the programmes already drawn up for the purpose.

Audio-Visual Education in Delhi

360. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the nature of work done in regard to audio-visual education in Delhi during 1958-59;

(b) the amount spent on administration as well as the amount paid as T.A. and D.A. during the year; and

(c) whether it is a fact that more work is being done in urban as compared to rural areas?

The Minister of Education (Dr. K. L. Shrimall): (a) to (c). A statement is laid on the Table of the Sabha.

STATEMENT

(a) The nature of work done in regard to audio-visual education in Delhi during 1958-59

In the field of Audio-Visual Education, the Delhi Administration arranged Educational *melas*, Demonstrations and dramas in different places as detailed below:

Film shows arranged	75
Educational Melas held	25
Demonstrations on Agriculture, Health etc.	1,833
Kirtan and Bhajans	2,350
Festivals organised	110
Dramas organised	245

280 and 110 radio sets were installed in different villages and schools respectively for organised listening. Post-broadcast discussions are held after each broadcast under the guidance of Social Education Workers and Teachers. 19 teachers have been given special training for making the best use of school broadcasts in training courses. The programme of school broadcasts forms an integral part of the school curriculum. Six schools have 16mm sound projectors, six schools have silent projectors and eight schools have filmstrip projectors.

Posters, charts, wall newspapers and bulletin boards were extensively used in schools as well as social education centres. Literature for neo-literates was also produced.

(b) Amount spent on administration and T.A./D.A.

An amount of Rs 57,900 was spent on the administration of audio visual education by the Delhi Administration during 1958-59. No T.A./D.A. was paid during the period.

(c) Whether it is a fact that more work is being done in urban as compared to rural areas.

No, so far as the Social Education Branch of the Directorate of Education is concerned the programmes of Audio-Visual Education are concentrated in the rural areas.

Income-Tax

361. Shri D. C. Sharma: Will the Minister of Finance be pleased to state the number of persons who have been assessed during 1958-59 for income-tax on an annual income of over a lakh of rupees and over fifty thousand rupees separately within Gurdaspur District (Punjab)?

The Minister of Finance (Shri Morarji Desai): The information is being collected and will be laid on the Table of the House as soon as possible. 281 (A) LSD.—3.

Aligarh Muslim University

362. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the total amount of loan or grant paid by the University Grants Commission to the Aligarh Muslim University for the construction of hostels during 1957-58 and 1958-59;

(b) the total financial assistance given to the above university for setting up "Students Aid Fund" during the above period; and

(c) the amount of loan or grant proposed to be given during 1959-60 for the above purposes?

The Minister of Education (Dr. K. L. Shrivastava): (a) Nil.

(b) 1957-58 Rs 7,958
1958-59 Rs 9,547

(c) Rs 10,000 for Students Aid Fund

औद्योगिक वित्त निगम

३६३. { श्री म० ला० द्विवेदी :
बंधित डा० ना० सिवारी :

क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) भारतीय वित्त निगम ने भारत सरकार की सहमति से जो पांच करोड़ रुपये के बॉण्ड जारी किये हैं उसका क्या उद्देश्य है;

(ख) इस धन राशि से जो काम किये जाने वाले हैं उनकी क्या रूपरेखा है और ब्याज सहित इस धन राशि के लौटाने की क्या सम्भावना है, और

(ग) क्या ये बॉण्ड जारी करने से पूर्व की योजनाओं और संशोधित योजना का ब्यौरा बताने वाला एक विवरण सभा पटल पर रखा जायेगा ?

वित्त मंत्री (श्री मोरारजी देसाई) :

(क) और (ख) ने बॉण्ड इसकी कार्यपालन

निधि को बढ़ाने के उद्देश्य से जारी किये गये थे, क्योंकि बाजार की स्थिति अनुकूल थी। निगम को आशा है कि उसे १९७१ में इन बीजों के पकने की तारीख को इनका व्याज समेत भुगतान करने में कठिनाई न होगी।

(ग) निगम के ऋण-प्रवर्तन सम्बन्धी विवरण इसकी वार्षिक रिपोर्टों में सम्मिलित किये जाते हैं, जो औद्योगिक वित्त निगम अधिनियम, १९४८ की धारा ३५(३) के अन्तर्गत सभा की मेज पर रखी जाती है।

Arrears Due from Service Officers' Club

364. { Shri Ram Krishan Gupta:
Shri Ajit Singh Sarkadi:
Sardar Iqbal Singh:

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a large amount of arrears of rent is due from a Service Officers' Club for the use of a swimming pool with ancillary buildings taken on rent from the Military Engineer Services;

(b) if so, the amount of arrears to be recovered; and

(c) the nature of steps taken or proposed to be taken to recover the arrears?

The Deputy Minister of Defence (Sardar Majithia): (a) to (c). The Swimming Pool and ancillary buildings presently used by the Service Officers' Club in Kanpur Cantonment were originally constructed by the Kanpur Cantonment Swimming Bath Association from contributions and donations. The Association wound up its activities in early 1949 handing over the assets to the Military authorities free of cost, for use of the Defence Services. The Association which was revived as Defence Services Club has been using the assets since 14th February, 1950. The point whether the property could be deemed to have been legally transferred to Gov-

ernment is under consideration. The question of calculation of rent or of its recovery does not, therefore, arise, at this stage.

National Theatre, New Delhi

365. Shri Ram Krishan Gupta: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 1286 on the 22nd August, 1959 and state whether the preliminary work regarding drawing up of the plans for the National Theatre in New Delhi has since been completed?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): No, Sir.

Amount due to H.A.L.

366. Shri Ram Krishan Gupta: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a large amount of money is due to Hindustan Aircraft Limited, Bangalore from the customers, and that the dues are increasing day by day;

(b) if so, the details of the outstanding balances so far; and

(c) the nature of steps taken or proposed to be taken to recover them?

The Deputy Minister of Defence (Sardar Majithia): (a) A substantial amount is due to HAL from customers. Steps are being taken to effect early recoveries and HAL have stated that the dues are decreasing.

(b) HAL have intimated that the amount outstanding from customers on 30-9-59 was about Rs. 2.35 crores. The details are as follows:

(In lakhs of Rs.)	
I.A.F.	151
Railway Board	40
Other customers	44
	<hr/>
	235

(c) (i) An Ad-hoc Committee consisting of the representatives of the Ministries of Defence and Finance,

Air Headquarters and the Hindustan Aircraft Ltd. has been set up to review the claims of the Hindustan Aircraft Ltd against the Air Force with a view to expedite payment

(u) The question of authorising provisional payment by the IAF is under active examination and any such payment made will be subject to final adjustment

(uu) The Hindustan Aircraft Ltd are pursuing direct their claims against the non-Defence customers

Indo-U.S. Convention for Avoidance of Double Taxation

367 { Shri Ram Krishan Gupta
Shri D. C. Sharma:
Shri Ram Garib:
Shri Karni Singhji:
Shri Bhanja Deo

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No 283 on the 10th August, 1959 and state

(a) whether the United States of America and India have approved and ratified the draft convention for the avoidance of double taxation of income between the two countries, and

(b) if so, the main terms of the convention?

The Minister of Finance (Shri Morarji Desai): (a) The draft convention for the avoidance of double taxation of income between India and the United States of America has been signed in Washington on 10th November, 1959 at Government level. It has not yet been ratified

(b) A copy of the Press Note dated the 10th November, 1959 released in this connection is laid on the Table of the House. [See Appendix I, annexure No. 70]. It mentions some of the main features of the convention

Canadian Aid for Technical Education

368 { Shri Ram Krishan Gupta:
Shri Ajit Singh Sarhadi:

Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No 1108 on the 19th August, 1959 and state

(a) whether the individual schemes in the field of technical education for the utilisation of a part of the rupee fund generated by the sale proceeds of commodities received from Canada under the Colombo Plan have since been selected in consultation with Canadian authorities, and

(b) if so, the details thereof?

The Minister of Finance (Shri Morarji Desai): (a) and (b) The individual schemes are still under consideration

Educational Grants to States

369 { Shri Ram Krishan Gupta:
Shri Warior:

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No 742 on the 13th August, 1959 and state

(a) whether Government have since received consolidated information from the State Governments regarding the spending of Central Grants-in-aid for general education schemes during 1958-59; and

(b) if so, the details thereof (State-wise)?

The Minister of Education (Dr. K. L. Shrivastav): (a) Complete information has not yet been received. Efforts are being made to collect the same as early as possible

(b) Does not arise

Import of Diesel Oil

370. { **Shri R. C. Majhi:**
Shri Subodh Hansda:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the import of diesel oil in 1959 up to the end of October is less than the import during the same period in 1958; and

(b) if so, the reason therefor?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir.

(b) Does not arise.

Central Excise and Taxation Department, Ludhiana

371. **Shri Pramathanath Banerjee:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that some persons were arrested on the night of 10 September, 1959 at Ludhiana for allegedly trying to steal important documents from the revenue office of the Central Excise and Taxation Department;

(b) whether the case has been investigated;

(c) how was it that these persons managed to enter the said office; and

(d) whether they were in collusion with some officer or official of the said office?

The Minister of Finance (Shri Morarji Desai): (a) An attempt at burglary was made on 10-9-1959 in the Income-tax Office, Ludhiana. Three persons have been arrested and the case is under investigation by the Police.

(b), (c) and (d). Police investigations are proceeding. It is, therefore, not possible to give any further information at this stage.

Central Advisory Board for Archaeology

372. **Shri B. C. Mullick:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether a meeting of the Central Advisory Board for Archaeology was held at Bhubaneswar in Orissa some time back in September, 1959;

(b) if so, the nature of discussion held; and

(c) the decisions taken?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) All the aspects of Archaeology including conservation, publication, excavation, exploration, epigraphy, museums, numismatics and preservation of monuments of national importance were considered.

(c) A statement is laid on the Table of the House. [See Appendix I, annexure No. 71.]

Payment of Gratuity and Pension

373. **Shri S. M. Banerjee:** Will the Minister of **Defence** be pleased to state:

(a) what steps are being taken to expedite payment of Provident Fund dues, gratuity and pension dues to civilian employees in Defence Establishments after their retirement;

(b) whether it is a fact that a number of cases are outstanding; and

(c) the number of cases which are outstanding for more than one year on the 1st October, 1959?

The Minister of Defence (Shri Krishna Menon): (a) A statement explaining the reasons for delays in settlement of a number of cases and steps taken to settle them as expeditiously as possible is laid on the Table

of the House. [See Appendix I, annexure No. 72.]

(b) Yes.

(c) The information is being collected and will be laid on the Table of the Lok Sabha.

Police Code Revision Committee Kerala

374. Shri S. M. Banerjee: Will the Minister of Home Affairs be pleased to state:

(a) whether Police Code Revision Committee of Kerala has submitted its report;

(b) if so, what are the main features of the report; and

(c) Government's reaction thereto?

The Minister of Home Affairs (Shri G. B. Pant): (a) No

(b) and (c) Do not arise

Temporary Government Employees

375. Shri P. C. Borooah: Will the Minister of Home Affairs be pleased to state:

(a) the number of temporary Government employees who have completed three years' service; and

(b) how many of them have been issued quasi-permanency certificates,

The Minister of State in the Ministry of Home Affairs (Shri B. N. Datar): (a) 3,55,263 on the 1st January, 1959.

(b) 1,06,242 upto the 1st January, 1959.

महामु में स्कूलों के भवन

३७६. श्री पद्म देव : क्या शिक्षा मंत्री २४ नवम्बर, १९५८ के प्रस्तावित प्रश्न संख्या २८५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश के महामु जिले में वर्ष १९५८ में स्कूल का कोई भवन नहीं बनाया गया; और

(ख) यदि हाँ, तो इसके क्या कारण हैं ?

शिक्षा मंत्री (डा० भीमाली : (क) जी, नहीं । १९५८-५९ में स्कूलों की पांच इमारत बनाई गई ।

(ख) प्रश्न नहीं उठता ।

चीनी में हुई स्कूल

३७७. श्री पद्म देव : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या चीनी (जिला महामु, हिमाचल प्रदेश) में हुई स्कूल के भवन के लिये कोई स्थान चुना गया है, और

(ख) यदि हाँ, तो वह भवन कब तक बन कर तैयार हो जायेगा ?

शिक्षा मंत्री (डा० भीमाली) : (क) जी हाँ ।

(ख) नवम्बर, १९६० तक ।

Central Advisory Committee for Libraries

378. { Shri Ram Krishan Gupta:
Shri Padam Dev:
Shri D. C. Sharma:

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1392 on the 11th September, 1959 and state:

(a) whether Government have since considered the report submitted by the Central Advisory Committee for Libraries; and

(b) if so, the action taken on the recommendations of the Committee?

The Minister of Education (Dr. K. L. Sharma): (a) The Report is still under consideration.

(b) Does not arise.

Grants to Assam Government

379. Shri C. K. Bhattacharya: Will the Minister of Home Affairs be pleased to state:

(a) whether the Government of Assam have approached the Central Government for additional grants for policing indo-Pakistan border; and

(b) if so, whether such grants have been sanctioned?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). Certain proposals were received from the State Government for financial assistance from the Government of India to enable them to bring their border police up to the required standard. Suitable grants have been sanctioned

Municipal Bye-Elections in Kerala

380. Shri Warior: Will the Minister of Home Affairs be pleased to state:

(a) how many municipal bye-elections were held in Kerala during August, 1959 and October, 31, 1959; and

(b) the number of successful and unsuccessful candidates, party-wise?

The Minister of Home Affairs (Shri G. B. Pant): (a) None

(b) Does not arise

Employment of Ex-Service Men in the Central Excise

381. { Shri Warior:
Shri T. B. Vittal Rao:
Shri Kodiyan:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that ex-servicemen absorbed in Central Excise Department as Inspectors were not given the benefit of seniority as duly condoning the break of service

between the date of termination of war service and joining of civil departments;

(b) whether it is also a fact that a few of the senior war service candidates in the posts of Deputy Superintendents were reverted while juniors were retained in the above posts;

(c) if so, the number of such persons (State-wise);

(d) whether Government have received any representation in the matter; and

(e) if so, the action taken in the matter?

The Minister of Finance (Shri Morarji Desai): (a) On 17-12-1956 an order was issued by the Government of India that the break in the service of ex-service men appointed to temporary vacancies of Inspectors in the Central Excise Department, which were by mistake, initially treated as having been reserved for them, should be condoned and they should be allowed to count the war service rendered by them for seniority, provided:

(1) the candidates were selected or their appointments ratified by the Regional Selection Board; and

(2) only that period of war service would count during which the candidates drew pay more than the minimum of the scale of pay of the grade to which he was appointed in the Central Excise Department.

After condonation of break in service, the ex-service men appointed to temporary vacancies of Inspectors who satisfied the above conditions got benefit in the matter of seniority.

(b) and (c). It is not a fact that senior war service candidates were reverted while juniors were retained.

In the Madras Collectorate, 9 Inspectors were promoted to the grade of Deputy Superintendent. Subsequently, however, it was observed that on the basis of date of confirmation, which also governs *inter se* seniority for purposes of promotion, these candidates were in fact junior to a number of permanent Inspectors in that Collectorate. These candidates had, therefore, to be reverted. In the Allahabad, Bombay and Calcutta Collectorates, 3 ex-service men working as Inspectors were promoted to the grade of Deputy Superintendent as a result of a similar wrong fixation of *inter se* seniority in the Inspector's grade. All these 3 persons (one in each Collectorate) had also to be reverted when the mistake was detected.

(d) and (e) Representations were received from the individuals concerned. The representations were, however, rejected as the earlier promotion of these persons as irregular for the reasons explained in reply to parts (b) and (c).

Mining Institute at Kothagudum

382. Shri T. B. Vittal Rao: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether any request for loan for the construction of a hostel for the students of Mining Institute, Kothagudum, Andhra Pradesh, has been received from the Government of Andhra Pradesh,

(b) if so, whether it has been considered by the Government, and

(c) the nature of the decision taken thereon?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr M M Das): (a) Yes, Sir

(b) The request is under consideration of the All India Council for Technical Education, and will be considered by Government when the re-

commendations of the Council are received

(c) Does not arise

Withdrawal of Criminal Cases in Kerala

384 { Shri Narayanaankutty Menon:
Shri Punnoose:
Shri Vasudevan Nair:
Shri Warior:

Will the Minister of Home Affairs be pleased to state

(a) whether any criminal cases pending before courts have been withdrawn by the Kerala Government in August and September, 1959,

(b) if so the number of such cases and number of persons involved,

(c) whether sentences passed by courts have been remitted by the Kerala Government during the same period, and

(d) if so, the number of convicted persons involved?

The Minister of Home Affairs (Shri G B Pant): (a) Yes

(b) 23 cases involving 140 persons.

(c) Yes

(d) 6164 The sentences were mostly of fine with default sentences. The fines ranged from Rs 10 to Rs 100 with default sentences from 5 days to 2 months. Substantive sentences of imprisonment ranged from 7 days to 2 months.

Restricting use of Handcuffs

384 Shri Kumbhar: Will the Minister of Home Affairs be pleased to state

(a) whether the Central Government have issued by circular to the State Governments and Administrations of Union Territories asking them to restrict the use of handcuffs

in order not to destroy the self respect and dignity of the arrested persons; and

(b) if so, the names of State Governments and Union Administrations who have complied with the directive?

The Minister of Home Affairs (Shri G. B. Pant): (a) Instructions were issued to the Union Territories that the use of handcuffs should be restricted to cases where the person is of a desperate character or there are reasonable grounds to believe that he will use violence, or attempt to escape, or where there are other similar reasons. The State Governments were requested to consider the issue of similar instructions.

(b) The Union Territories are complying with these instructions and similar orders have also been issued by all State Governments.

Social Welfare Centres in Orissa

335. Shri Kumbhar: Will the Minister of Education be pleased to lay a statement on the Table showing—

(a) the names of the social welfare centres (district-wise) in Orissa State run under the Central Social Welfare Board along with their strength of staff, and

(b) the number of staff among them belonging to Scheduled Castes and Scheduled Tribes?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b). The information is being collected and will be laid on the table of the Sabha in due course.

Gatiswar Temple at Algom Village (Puri)

336. Shri Panigrahi: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 3166 on the 16th April, 1959 and

state whether Government propose to declare Gatiswar Temple at Algom Village in the district of Puri in Orissa as a protected monument of archaeological importance?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The proposal is under consideration.

Utkal University

337. Shri Panigrahi: Will the Minister of Education be pleased to state:

(a) the amount of money proposed to be given as grants to the Utkal University by the University Grants Commission during 1959-60, and

(b) the amount actually given during 1958-59?

The Minister of Education (Dr. K. L. Shrimall): (a) Rs 11,16,000 00

(b) Rs 13,90,471 00

Co-operative Societies, Kerala

**338. { Shri Narayanankutty
Menon:
Shri Punnoose:**

Will the Minister of Home Affairs be pleased to state:

(a) whether any contribution has been made by any Co-operative Society in Kerala State to any political party during 1957-58 and 1958-59;

(b) if so, which are the Co-operative Societies and to which of the political parties such contributions have been made; and

(c) the total amount of such contribution?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

Foreigners in Durgapur Steel Plant

389. **Shri Muhammed Elias:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the number of foreign technical personnel engaged for the Durgapur Steel Project (category-wise);

(b) how long are they going to stay (category-wise);

(c) whether steps are being taken to fill their places by Indians when they leave the country; and

(d) if so, the number of Indians under training?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):

(a) and (b). 49 foreign technicians have so far been engaged for operation in the Durgapur Steel Plant. They are as followings:—

I. Blast Furnace

(a) Blast Furnace Adviser	1
(b) Foreman	12
(c) Foreman Operator	1
(d) Shift Operator	3
(e) Ore Handling and	4
(f) Pig Casting Operators	21
	42

II. Coke Ovens

(a) General Supervising Foreman	1
(b) Supervising Foreman	3
(c) General Foreman	2
(a) Foreman	8
(e) Under Foreman	6
	20

III. Power House

(a) Deputy Power House Superintendent	1
(b) Shift Charge Engineer	2
	3

IV. Energy and Economy

(a) Fuel Technologist	1
(b) Assistant Instrument Engineer	1
	2

V. General Services

(a) Lubrication Engineer	1
(b) Crane Foreman	1
	2

VI. Engineering Shops and Foundry

Diesel Loco Engineer	1
TOTAL	49

Of these, the Blast Furnace Adviser has been engaged for six months, four Blast Furnace Foreman for nine months.

(c) Yes, Sir.

(d) So far 195 Indian engineers have returned after training in U. K., U.S.A., and Australia. Besides, 85 graduate apprentices are receiving training abroad and 52 in India. Efforts are also being made to get experienced Indian technicians from other sources

Northern Zonal Council

390.	Shri Hem Raj:
	Shri Ram Krishan Gupta:
	Shri Padam Dev:
	Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to state:

(a) the decisions taken at the Northern Zonal Council meeting held in October, 1959 in New Delhi; and

(b) which of the decisions have been implemented?

The Minister of Home Affairs (Shri G. B. Pant): (a) The proceedings of the meeting have not yet been finalised. As usual, copies of the proceedings, after they have been finalised, will be placed in the Library of Parliament.

(b) Necessary action in the matter will be taken after the proceedings have been finalised.

Impersonations in the Second General Elections

391. **Shri Subbiah Ambalam:** Will the Minister of Law be pleased to

refer to the reply given to a supplementary question on Starred Question No. 328 on the 27th August, 1959 and state the names of urban areas where large scale impersonations in the 1957 General Elections have been reported, (State-wise)?

The Deputy Minister of Law (Shri Hajarnavis): The evil of impersonation was present only to "some extent" in large urban areas in the Second General Elections and cannot be said to have been prevalent on a "large scale". Attention is invited to the last paragraph on page 150 of the Election Commission's Report on the Second General Elections, 1957 (Volume I), laid on the Table of the House on the 20th December, 1958. Precise information regarding the urban areas where impersonation is said to have taken place is not available with the Election Commission.

Bye-laws of Tripura Territorial Council

392. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) the bye-laws passed by the Tripura Territorial Council under the Territorial Councils Act, 1956;

(b) whether all such bye-laws have been confirmed by the Central Government as required under the Act; and

(c) if not, the reasons for withholding confirmation?

The Minister of Home Affairs (Shri G. B. Pant): (a) The following bye-laws have so far been passed by the Tripura Territorial Council:—

(1) The Tripura Territorial Council (Delegation of Powers) Bye-laws, 1959.

(2) The Tripura Territorial Council (Delegation of Powers to Vice-Chairman) Bye-laws, 1959.

(3) The Tripura Territorial Council (Management of Ferries) Bye-laws, 1959.

(4) The Tripura Territorial Council (Private Bazaars and Melas) Bye-laws, 1959.

(5) The Tripura Territorial Council (Establishment, Maintenance and Management of Market) Bye-laws, 1959.

(b) Yes.

(c) Does not arise.

Reservation of Seats for Scheduled Castes and Scheduled Tribes

**393. { Shri B. K. Gachwad:
Shrimati Minimata:**

Will the Minister of Home Affairs be pleased to state:

(a) the number of posts reserved for Scheduled Castes and Scheduled Tribes in class I and class II during 1958,

(b) the number of candidates from the Scheduled Castes and Scheduled Tribes who applied for posts reserved in class I and class II;

(c) the number of Scheduled Castes and Scheduled Tribes candidates called for an interview for the posts of class I and class II;

(d) the number of Scheduled Castes and Scheduled Tribes candidates selected and appointed to the posts of class I and class II during 1958; and

(e) the number of posts of class I and class II reserved for Scheduled Castes and Scheduled Tribes but for want of suitable candidates from Scheduled Castes and Scheduled Tribes other candidates were preferred from the year 1950 to 1959, so far?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) to (e). The information is being collected and will be laid on the Table of the House in due course.

Industrial Research

394. Shri Narasimhan: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether some of the institutions working under the Council of Scientific and Industrial Research have suggested for more funds to be placed at their own disposal for popularising their inventions and discoveries by having pilot plants of their own, and

(b) the names of the institutions along with the names of the technological processes for which such requests have been made during the Second Five Year Plan?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes It is the policy of the Council of Scientific and Industrial Research to set up pilot plants in the National Laboratories to establish the commercial feasibility of promising laboratory results Funds required for the purpose are placed at the disposal of the laboratories in accordance with carefully worked out proposals recommended by the Executive Councils of the laboratories

(b) A list of laboratories and the pilot plants for which funds were requested and made available is laid on the Table of the House [See Appendix I, annexure No 73]

Seizure of Indian Currency

395. Shri S. A. Mehdi: Will the Minister of Finance be pleased to state

(a) whether Indian currency was seized from the crew of the British liner Canton in Bombay Harbour on the 8th September, 1959, and

(b) the details of the Indian currency seized and action taken in the matter?

The Minister of Finance (Shri Morarji Desai): (a) and (b) On 8th September, 1959, Indian currency

worth Rs. 13,400 consisting of 134 notes of Rs 100 each was recovered by the Bombay Customs authorities from Shri Manuel Anthony Vaz, employed as Topass on board the vessel, SS "Canton" The currency which was concealed in his socks has been confiscated outright and a personal penalty of Rs 1,500 has been imposed on him A complaint to prosecute Shri M A Vaz has also been filed in the Court of Law and the case is pending

Income Tax arrears in Himachal Pradesh

396 Shri Daljit Singh: Will the Minister of Finance be pleased to lay a statement showing the total amount of income-tax arrears as on the 1st November 1959 in Himachal Pradesh?

The Minister of Finance (Shri Morarji Desai): The total amount of effective arrears of income-tax as on the 1st November, 1959 in Himachal Pradesh is Rs 1,58,000

Income-tax Arrears in Punjab

397. Shri Daljit Singh: Will the Minister of Finance be pleased to lay a statement showing the total amount of income-tax arrears as on the 1st November, 1959 in Punjab State (District-wise)?

The Minister of Finance (Shri Morarji Desai). The information is being collected and a statement will be laid on the Table of the House

Passenger Fare Taxes

398. Shri Mohammed Imam: Will the Minister of Finance be pleased to state

(a) the amount collected by way of passenger fare taxes during 1958-59;

(b) the amount allotted to each State, and

(c) the principle on which the allotment has been made?

The Minister of Finance (Shri Maraji Desai): (a) Rs 11.67 crores approximately.

(b) A statement giving the information is given below.

(c) The net proceeds of tax on Railway Passenger fares are distributed in accordance with the provisions of Section 5 of the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957.

STATEMENT

STATEMENT SHOWING THE AMOUNTS PAID PROVISIONALLY TO STATE GOVERNMENTS DURING 1958-59 AS THEIR SHARE OF NET PROCEEDS OF THE TAX ON RAILWAY PASSENGER FARES

State	Amount
	(Rs. in lakhs).
Andhra Pradesh	97
Assam	30
Bihar	1.02
Bombay	1.77
Kerala	20
Madhya Pradesh	91
Madras	70
Mysore	48
Orissa	19
Punjab	88
Rajasthan	74
Uttar Pradesh	2.04
West Bengal	69
TOTAL	10.89

Police Post at Palel

399. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that no hill allowance is sanctioned for the staff of the police post at Palel on the Indo-Burma road in Manipur; and

(b) if so, the reasons therefor?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) Hill allowance is admissible only to those Government servants who are posted in Hill Sub-Divisions. As Palel does not fall in any of these areas, no hill allowance is admissible to the Police staff posted there.

Iron Ore in Puttur and Belthangadi

400. Shri Achar: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that a considerable quantity of iron ore exists in Puttur and Belthangadi taluqas of South Kanara District in Mysore State; and

(b) whether any detailed geological survey of this area has been made at any time?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). A reconnaissance survey for minerals was carried out in parts of South Kanara district during 1951-52 and 1952-53 as a result of which iron ores were located in the following places in Puttur taluka:

1. Yenekal Reserved Forest.
2. Mujur Reserved Forest.
3. Puttur Kal Hillock.
4. In and around Perdal.
5. Near Chilkmetteru.
6. In parts of the Nidle and Konajee Reserved Forest.

The preliminary survey made does not warrant further detailed work at this stage.

Import of Cars

401. Shri V. P. Nayar: Will the Minister of Finance be pleased to state the total number of cars imported in the country during 1957-58 and 1958-59 with break-up for

- (a) Diplomatic personnel;
- (b) Government; and
- (c) Others?

The Minister of Finance (Shri Morarji Deasai):

(a) 1957-58	..	327
1958-59	..	354
(b) 1957-58	..	8
1958-59	..	16
(c) 1957-58	..	155*
1958-59	..	231*

Cases under the Untouchability (Offences) Act, 1955

402. { Shri Ramam:
Shri Nagi Reddy:
Shri V. P. Nayar:

Will the Minister of Home Affairs be pleased to state:

(a) how many cases have been taken up for offences under the Untouchability (Offences) Act, 1955 in India during January-July, 1959; and

(b) what percentage of such cases ended in conviction?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The information is being obtained from the State Governments and will be laid on the Table of the House when received.

Compassionate Gratuity Fund

403. **Shri Hem Barua:** Will the Minister of Defence be pleased to state the total number of widows and children of deceased officers of the three Services who have so far been given *ex-gratia* awards from the Compassionate Gratuity Fund (Defence Services)?

The Minister of Defence (Shri Krishna Menon): An award made to a widow of a deceased officer from the Compassionate Gratuity Fund (Defence Services) is for the combined benefit of herself and the

children. Where an officer does not leave behind a widow, an award is made to his children either collectively or separately.

2. *Ex-gratia* awards from the Fund have been sanctioned to 43 widows of deceased officers, up to date. Two officers died as widowers, leaving behind two and three children respectively. The awards in these two cases were sanctioned in favour of the children.

3. The actual payment of the sanctioned award is made by the Controller of Defence Accounts (Pensions), Allahabad, through the Treasury Officer in the area in which the widow/child resides. The Controller has intimated that for the period ending September, 1959, actual payments have been made to 36 out of the 43 widows and to one child in the first of the two cases of motherless children, mentioned in the preceding paragraph.

Demand for Steel

404. **Shri Hem Raj:** Will the Minister of Steel, Mines and Fuel be pleased to state the demand for Steel during the year, 1959 and the quantity which is proposed to be imported?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The estimated demand of steel during the year 1959 is 4 million tons and the anticipated import 0.80 million tons.

Coal Council

405. { Shri Hem Barua:
Shri S. A. Mehdi:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) Whether it is a fact that the Government have asked the Coal Council of India to consider the different aspects of plan for coal pro-

*Excludes cars temporarily imported on triptiques and Carnets de passage.

duction and how best to effect maximum economy and efficiency in the production of coal,

(b) if so, whether any suggestions have so far been received, and

(c) if so, the details thereof?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Planning for coal production, the problems connected therewith and the results achieved from time to time are among the important matters which the Coal Council considers at its periodical meetings. At the last meeting of the Council also, which was held on September 21, this was done

(b) and (c) No specific suggestion has been received, except that the potentialities of the Jharia field for increased production of metallurgical coal during the next Plan period should be fully investigated. For this, an ad hoc committee has been set up under the chairmanship of the Coal Controller, which includes representatives of the coal industry

**Office of the Insurance Controller,
Simla**

496. Shri S. A. Mehdi: Will the Minister of Finance be pleased to state

(a) whether any staff was retrenched in the office of the Insurance Controller at Simla after nationalisation, and

(b) if so, the total amount saved thereby?

The Minister of Finance (Shri Morarji Desai): (a) and (b) There has been no retrenchment as such but due to transfers and deputation of officials to other offices, the strength of the Department of Insurance has been considerably reduced and there has been a saving of approximately Rs 3 lakhs per annum

Steel Advisory Council

497. Shri Ram Krishna Gupta: Will the Minister of Steel, Mines and Fuel

be pleased to state the main functions of the Steel Advisory Council which has been recently set up

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The Council has been constituted to advise the Government on all matters of general character relating to iron and steel, and in particular to problems pertaining to production, distribution, transport, research, import and export

Lands given to Servicemen

498. Shri P. C. Borooah: Will the Minister of Defence be pleased to state

(a) whether any plots of land have been given to military personnel—(serving or not serving now) in consideration of war service (in World War II),

(b) how many such plots (housing or farm land) were given during the period from 15th August, 1945 to 15th August, 1959, and

(c) what was the criterion adopted in selecting people for such grants?

The Minister of Defence (Shri Krishna Menon): (a) Ex-Junior Commissioned Officers and other Ranks who served during World War II and had agricultural background have been given plots of land for cultivation in organised Land Colonies

(b) 8,254 (all farm land plots)

(c) Ex-servicemen fulfilling the following conditions were selected for settlement in Land Colonies—

(i) should have served in the Armed Forces during the World War II

(ii) should possess agricultural experience

(iii) should be landless agriculturists or their holding should be uneconomic and less than 5 acres

- (iv) should contribute Rs. 500 towards the Colony expenditure.
- (v) their character as assessed during military service should not be lower than 'GOOD'
- (vi) should be willing to settle on land permanently and become a member of the Co-operative Society when formed

12 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF COAL BOARD

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): I beg to lay on the Table a copy of the Annual Report of the Coal Board for the year 1958-59 [Placed in Library, See No LT-1691/59].

AMENDMENTS TO COAL MINES (CONSERVATION AND SAFETY) RULES

Sardar Swaran Singh: I beg to lay on the Table, under sub-section (4) of Section 17 of the Coal Mines (Conservation and Safety) Act, 1952, a copy of Notification No G.S.R. 1105 dated 3rd October, 1959 making certain further amendments to the Coal Mines (Conservation and Safety) Rules, 1954. [Placed in Library, See No LT-1692/59].

AMENDMENT TO FOREIGNERS (EXEMPTION) ORDER

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table under sub-section (2) of Section 3A of the Foreigners Act, 1946 a copy of Notification No. G.S.R. 75 dated the 24th January, 1959, making certain amendment to the Foreigners (Exemption) Order, 1957. [Placed in Library, See No. LT-1694/59].

AMENDMENTS TO CITIZENSHIP RULES

Shri Datar: I beg to lay on the Table, under sub-section (4) of Section 18 of the Citizenship Act, 1959,

a copy of each of the following Notifications making certain further amendments to the Citizenship Rules, 1956.—

- (i) S.O. No. 872 dated the 24th May, 1958
 - (ii) G.S.R. No 1117 dated the 29th November, 1958
 - (iii) G.S.R. No 145 dated the 7th February, 1959
- [Placed in Library, See No LT-1694/59].

NOTIFICATIONS ISSUED UNDER REGISTRATION OF FOREIGNERS ACT

Shri Datar: I beg to lay on the Table, under Section 8 of the Registration of Foreigners Act, 1939, a copy of each of the following Notifications —

- (i) S.R.O. No 1369 dated the 4th May, 1957 containing the Registration of Foreigners (Exemption) Order, 1957
 - (ii) G.S.R. No 825 dated the 20th February, 1959 and G.S.R. No 74 dated the 24th January, 1959 making certain further amendments to the Registration of Foreigners (Exemption) order, 1957.
- [Placed in Library, See No. LT-1695/59].

AMENDMENT TO ALL INDIA SERVICES (PROVIDENT FUND) RULES

Shri Datar: I beg to re-lay on the Table, under sub-section (2) of section 3 of the All India Services Act, 1951, a copy of Notification No G.S.R. 982 dated the 29th August, 1959, making certain amendment to the All India Services (Provident Fund) Rules, 1955 [Placed in Library, See No. LT-1624/59]

AMENDMENT TO INDIAN CIVIL SERVICE PROVIDENT FUND RULES

Shri Datar: I beg to lay on the table under sub-section (2) of Sec-

[Shri Datar]

tion 3 of the All India Services Act, 1951, a copy of Notification No. G.S.R. 1211 dated the 7th November, 1959, making certain amendment to the Indian Civil Service Provident Fund Rules, 1942. [Placed on Library, See No. LT-1699/59]

AMENDMENT TO RICE-MILLING INDUSTRY (REGULATION AND LICENSING RULES)

The Deputy Minister of Defence (Shri Raghuramiah): On behalf of Shri A. M. Thomas I beg to lay on the Table, under sub-section (4) of Section 22 of the Rice Milling Industry (Regulation) Act, 1958, a copy of Notification No. G.S.R. 1129 dated the 12th October, 1959, making certain amendment to the Rice-Milling Industry (Regulation and Licensing) Rules, 1959. [Placed in Library, See No. LT-1699/59]

REPORT OF INVESTIGATION ON ACCIDENT TO INDIAN AIRLINES CORPORATION'S DAKOTA

The Deputy Minister of Civil Aviation (Shri Mohiuddin): I beg to lay on the Table a copy of Report of the Court Investigation of the accident to Indian Airlines Corporation's Dakota Aircraft VT-CGI on the 29th March, 1959 near Kumbhirgram Aerodrome [Placed in Library, See No. LT-1698/59].

ANNUAL REPORT OF INDUSTRIAL FINANCE CORPORATION

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): I beg to lay on the Table, under sub-section (3) of Section 35 of the Industrial Finance Corporation Act, 1948, a copy of the Annual Report of the Board of Directors of the Industrial Finance Corporation of India for the year ended the 30th June, 1959, along with the statement showing the assets and liabilities and Profit and Loss Account of the Corporation. [Placed in Library, See No. LT-1699/59].

NOTIFICATIONS ISSUED UNDER SEA CUSTOMS ACT

Shrimati Tarkeshwari Sinha: I beg to lay on the Table, under sub-section (4) of Section 43B of the Sea Customs Act, 1878 a copy of each of the following Notifications:—

- (i) G.S.R. Nos 1136 and 1137 dated the 17th October, 1959.
- (ii) G.S.R. Nos. 1220 and 1221 dated the 7th November, 1959. [Placed in Library, See No. LT-1700/59].

AMENDMENTS TO CUSTOMS AND CENTRAL EXCISE DUTIES EXPORT DRAWBACK (GENERAL) RULES

Shrimati Tarkeshwari Sinha: I beg to lay on the Table, under sub-section (4) of Section 43B of the Sea Customs Act, 1878, and Section 38 of the Central Excises and Salt Act, 1944, a copy of each of the following Notifications making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1959:—

- (i) G.S.R. Nos 1138 and 1189 dated the 17th October, 1959.
- (ii) G.S.R. Nos. 1217 and 1219 dated the 7th November, 1959. [Placed in Library, See No. LT-1701/59].

REPORT OF REHABILITATION FINANCE ADMINISTRATION

Shrimati Tarkeshwari Sinha: I beg to lay on the Table under sub-section (2) of Section 18 of the Rehabilitation Finance Administration Act, 1948, a copy of the Report of the Rehabilitation Finance Administration for the half year ended the 30th June, 1959. [See Appendix I, Annexure No. 74].

12.03½ hrs.

ESTIMATES COMMITTEE
SIXTY-THIRD REPORT

Shri Dasappa (Bangalore): Sir, I beg to present the Sixty-third Report

of the Estimates Committee on the Action taken by Government on the recommendations contained in the Thirty-eighth Report of the Estimates Committee (First Lok Sabha) on the Ministry of Community Development —C.P.A.—Part I.

12.04 hrs.

ANDHRA PRADESH AND MADRAS
(ALTERATION OF BOUNDARIES)
BILL—contd

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri B. N. Datar on the 19th November, 1959, namely —

“That the Bill to provide for the alteration of boundaries of the States of Andhra Pradesh and Madras and for matters connected therewith be taken into consideration.”

Shri M. E. Masani (Ranchi—East)
Mr. Speaker, this is a subject in which many of us have no personal or local interest and yet, Mr. Bhargava, for instance has taken very active interest in the discussion of this Bill. It may be asked why should we bother about something that concerns a border between two States such as Madras and Andhra. The answer to that is that it would be wrong to think that the only people who are interested in matters of this kind are the peoples, and much less the Governments of the two States concerned. The territory of an Indian State is not the private property of a Government and the life and destinies of the human beings who inhabit this territory are a matter of common concern for every Member of this House, wherever he may come from. I do not think, therefore, that anyone like me who represents a constituency from Bihar or comes from Bombay need apologise for interesting himself in a general way with certain principles which seem to apply in this case. ..(Interruptions)

261 (A) LSD—4

An Hon. Member: You represent Adivasis

Shri M. E. Masani: But they are not the only people. I say they are the common concern of everyone of us.

Another consideration is the way in which hasty legislation is undertaken these days which one has watched for the last two years with some dismay. Bill after Bill is introduced which, on examination, is found to be ill-prepared, if not ill-conceived and these measures are rushed through only to be reopened within a few months or a couple of years. Too much of this kind of hasty legislation has been pushed through, and from what I have been able to gather from the previous debate and the papers, this Bill appears to be another example of the kind.

12.07 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

It will be admitted that a change in the status quo in regard to the territories of a State should be undertaken only when there is a clear case and a strong case. Similarly, such changes should be undertaken after proper investigation of things and the preparations behind it. There must be a change based on principles and not on expediency, not on negotiations between two State Governments belonging to the same political party who may do a kind of a horse trading or barter between the parties concerned. That is why the Constitution has given the authority to this Parliament and not to the State legislatures to which my friend had adverted. Certainly the wishes of the legislatures are ascertained and I do not think that this House can lightly set aside those wishes. But this House has a right to consider whether those wishes have been adequately expressed, whether the whole thing has been gone through properly and whether

[Shri M R Masani]

there is a principle on which a decision of this House can be based. We cannot surrender our authority to any two or three legislatures in this country belonging to the States.

There are two matters of principle which appear to be questionable in this Bill. One is that certain criteria have been followed only in the context of a boundary dispute between Madras and Andhra Pradesh as opposed to similar situations in other parts of the country. I would like to suggest that the criteria in this respect should be of universal, all-India validity. You cannot have one measuring yard in one case and another measuring yard for another. The States Reorganisation Commission has in its report laid down certain criteria of general validity for this country and we should not depart from them lightheartedly, as we are apt to do in accepting this Bill without further scrutiny. There are two such departures. One is that the village has been made a unit to ascertain the linguistic preferences and origin of the people of that particular unit. This appears to be a very fateful decision.

Shri Nath Pai (Rajapur): That is the soundest principle we had.

Shri M R. Masani: It is a matter for argument. We find that in the report of the SRC, rather weighty arguments have been given against making the village a unit. Let me read paragraphs 156-157 of that report.

"It follows from the acceptance of the doctrine of the homeland that the homeland itself should be demarcated with care, and it has accordingly been proposed that in determining the boundaries between linguistic groups the village should be taken as the unit. In border villages generally the population is largely mixed. If on the basis of the majority belonging to one language group, a village is separated from the administrative

unit to which it is now attached, then it follows that special provisions will have to be made to see that the language composition of such a village does not change at any future time. This is obviously impossible in which is likely to be a dynamic economy.

The idea that all people who speak the same language and constitute a majority, whether in a village or a taluk, should be attached to their homeland will do immense harm to our national growth and must, therefore, be rejected unequivocally." etc.

These principles seem to go against the village as a unit. In this Bill, it appears to me that on a first reading, as a student of the subject, there is little sound principle. This House must be a little better satisfied than it is that the district or a larger administrative unit as a unit should be discarded in this manner.

An Hon. Member: Why a "little"?

Shri M. R. Masani: My hon friend Pandit Thakur Das Bhargava or Shri Mohammed Imam has moved an amendment which if accepted, will mean that the House has not gone into this matter thoroughly enough and has not elicited public opinion adequately.

An Hon. Member: The Swatantra Party!

Shri M. R. Masani: I can assure my hon friend that I do not know anything about this border nor am I interested one way or the other in the location of the border. I am talking on the questions of large principle which seems to be involved. The quantum of the majority is the other issue when a unit, whatever it is, is transferred from its existing territorial group to another.

The Bill says that wherever there is 50 per cent plus one, then that becomes a majority and it should decide. I believe that that is not a

sound principle. As you, Sir, know, when there is an equality of votes, you as the presiding authority, follow certain principles on which you cast the casting vote and one of the principles is that the *status quo* should not be disturbed unless a clear majority is there. Are we going to give a lone inhabitant in a village to make 50 per cent plus one the chance to decide that a whole group of human beings can be bodily lifted and transferred from the roots that they have to something else? It is obvious, therefore, that the majority has to be something more than a bare majority.

There again, the States Reorganisation Commission has adverted to this subject. This is what it says:

"It may also be recalled that, on the basis of the evidence tendered before it, the Dar Commission had come to the conclusion that it would not be proper to describe any area as unilingual unless the majority of one language spoken in that area was at least 70 per cent. and that any area below that should be considered as bilingual as the case may be. We are generally in agreement with the view," and so on.

Now, this again raises the question of 50 per cent majority which the Bill accepts; it is not adequate. There is no sanctity in figures, but two-thirds or 70 per cent would be a very much more reasonable figure. That is another aspect in which the Bill is not sound in principle.

I next come to another point—about the lack of evidence or of adequate case being made out for transferring a territory. The plans on which the present proposals are based are not complete or adequate. There has been no referendum to elicit the wishes of the people involved. Even the census figures of 1951, on which some reliance is partly put, are admitted to be incomplete and defective. Many people have not in-

dicated their language group. Many figures are missing. The thing is not in the form in which one can really say that a proper analysis has been made. Therefore, an officer to whom this task was appointed, namely, of going into the plans, has taken the liberty of supplementing the returns of the census. He has gone by the name of a family, the name indicating whether the family is of Tamil or Telugu origin. These are dangerous assumptions to make when transferring human beings from one Government or one State to another.

Then, again, how do you decide the boundaries of a village? There must be a proper survey made of this before you decide what the majority in a village wishes to have. An officer was given the authority to decide arbitrarily where a village ended and another started. By a slight shifting of the boundaries, it is obvious that a majority can be turned into a minority and *vice versa*. Therefore, there must be a properly authorised official census by an independent quasi-judicial body. It is only when a survey map is there, deciding where each village begins and ends, that the question of ascertaining the majority arises. But the map that is placed before us shows that the boundaries have been entirely arbitrarily drawn by one officer without let or hindrance, without supervision. No judicial mind has been brought to bear on the subject. It seems to me that the opportunities for gerry-mandering, for creating majorities, are endless in such a situation. I am not suggesting it was done, because I do not have enough material to judge. But I do feel that to accept such a thing arbitrarily and take the boundary of a village and take the village as a unit lends itself open to gross abuse.

I understand that even the Madras Government has admitted in certain cases that the boundaries were badly drawn and that they have rectified the mistakes. They have their boundaries rectified in three or four cases. For all we know, there are several

[Shri M. R. Masani]

other cases where also these boundaries may not be sound. So, it seems to me that before the House is asked to pass this Bill finally, certain things need to be done.

One is that a proper survey map should be produced. I remember, on a previous occasion, the Speaker and the House directed that a certain map drawn up somewhere roundabout 1957-58 should be produced before this House, and I do not know what happened. As yet, that survey map is still not available. Some document exists which might throw light on the subject but which is perhaps being withheld from this House. If this is so, then certainly that document must first be produced. If that document does not exist, if there is some doubt about the validity of the document, then let a survey map be prepared under the authority of this House before we are asked to give our judgment. After that is done, let there be a fresh census.

It is possible for us to wait till the 1961 census, which is just round the corner. The heavens are not going to fall if this little matter is not adjusted till after the 1961 census. If, however, there is a general desire not to wait till 1961, let an *ad hoc* census be carried out. That was done in the case of Kerala. I am told it is a matter of a few months.

Therefore, in view of these considerations, I am inclined to think that the House will be well-advised to accept the amendment either of Shri Mohammed Imam for the circulation of this Bill or of Pandit Thakur Das Bhargava for the Bill being referred to a Joint Committee. Either of these alternatives will give us enough time for proper steps to be taken and for this House to be in a position really to apply its mind to it. Until that is done, I do not feel that this Bill should be allowed to be passed in its present form.

Pandit Thakur Das Bhargava:
(Hissar): Sir, may I raise point of

order? Last time, when this Bill was being considered, something out of this award was brought to your notice and some discrepancy was found to exist between the printed version of the award and the stencilled record. I have got the copy from which I read out extracts. The stencilled copy says that the memoranda are part of the award or the mediator's report. I got it from the library. Probably it was not published here by the Government of India. It was probably sent to this House either by the Madras State Government or the Andhra State Government. I cannot say which of them sent it. When the hon. Home Minister pointed out to me that in the printed record, the words quoted by me do not appear, I got rather ashamed and I thought I had committed a mistake in referring to a thing which does not exist. But, when I found that what I quoted existed in the copy which I had from the library, I took care to see whether there was any other discrepancy between the printed record and the stencilled copy.

I wish to bring to your notice that between the printed record and, the stencilled copy which I have taken from the library, there is another discrepancy. I would like to invite your attention to page 19 of the cyclostyled copy. There, we find the following:

"A copy of the letter and the map sent along with it is appended to this report".

Just as the two memoranda of the Madras Government and the Andhra Government are attached to this report, similarly, copies of the letter and the map are also said to have been appended to the report. But, in the printed record, I do not find those words. I have now got both the printed record as well as the cyclostyled copy. The printed record has probably been got printed by one of the two Governments—Andhra or Madras. But to my mind, it is quite

clear that these words are missing, and these words relate to a document. The one relates to a map and letter and another to two memoranda. These words could have been put in there only by Shri Pataskar and by nobody else. Only he could, do that. Then he says,

"It is not possible for me to mark this area on the combined big map of the border"

So, it appears that there is a discrepancy between the two. I feel the cyclostyled copy is more authentic. This has come from the library and not from any private source. So, as a matter of fact, what was contained in the cyclostyled copy appears to be quite correct. The hon. Speaker ordered in this House that all these documents including the two memoranda and the other memoranda which were produced before Shri Pataskar by interested persons, should be produced, but none of them has been so far produced. You were also pleased to state, Sir, that as the debate proceeds, we will see. We are practically completing this discussion on the consideration motion. This is the proper time that we should get all the documents. According to the Speaker's order, the plan should come. Even if the hon. Minister takes objection to the production of the two memoranda, as he seems to do on the ground that they are confidential, even then, it is a matter to be decided by you.

We want to have these two plans and the letters and memoranda of the two Governments, how they were reconciled, etc. You will be pleased to excuse me if I bring to your notice one thing more. This eye-sketch plan has been produced by the hon. Minister without our asking for it. At the bottom of the plan, these words are written: "Certain locations which have been wrongly located in the census plan." As against the numbers of the three villages are given, viz. 100, 90, 80, etc. I want to have

those maps and letters, because there are so many villages like that I have indicated 82. We want to know what was correct and what was not correct, what one Government represented and how the other Government behaved, whether the corrections have been really made or not, etc. This House must have all this knowledge and this knowledge cannot be had unless all those documents which the hon. Speaker ordered to be produced are produced. Our own memoranda and our own representations have not been produced. They are not confidential.

My humble submission is, I want your ruling whether all those documents should be brought here, and which is the right award. I wanted to see the original award. I wanted the library to give me the original award, but the original award is not in the library. The plan is not in the library, which was demarcated. We are discussing the subject without the original papers being here. I want your ruling whether the Government can withhold all these papers and yet the debate can proceed.

The Minister of State in the Ministry of Home Affairs (Shri Datar): It is entirely wrong to contend that Government have been keeping back any maps. In fact, after the debate started here, we had the matter clarified by the State Government. We have received a telegram from the State Government, where they say:

"Tiruttani taluk outline map prepared with reference to existing printed map. Thereafter deputy surveyors perambulated each village and marked its boundaries on the above map, though its location with reference to villages immediately adjoining this map 1" — 1 mile was verified independently by superior officer. It is known as eye-sketch map. Both Governments have accepted."

[Shri Datar]

May I further clarify that Mr. Pataskar gave a copy of his own award or report and along with it the two letters that he received from the State Governments and a map which had been given to him by the Madras Government. So far as that big map is concerned, it is produced in the library. Regarding the report, it is also produced in the library. So far as the two letters received from Madras and Andhra Pradesh are concerned they are confidential and I claim privilege that we cannot produce them in this House because in public interest, all confidential communications have to be preserved as they are and they cannot be disclosed.

Under these circumstances, my hon. friend is needlessly reiterating his contention that there is something which the Government have been withholding. That is not correct at all. In fact, as I have pointed out and read from what we have received from the State Government, the eye-sketch map was the only map that was prepared sometime after this and that map was given to us. A copy of the eye-sketch map is also produced here. Under these circumstances, I fail to understand what my hon. friend means by saying that we are withholding any document. We have produced the original map relied upon by Mr. Pataskar, the survey of 1935 and the booklet prepared by the officers for the purpose of indicating the languages in various villages. That book is also there. This map is there and the eye-sketch map has also been produced. So, we have not withheld anything except those two letters, which have to be treated as confidential.

Mr. Deputy-Speaker: There are three points that have been raised in this point of order. One is that maps are not being produced. The second is that the reports of the State Governments of Andhra Pradesh and Madras that were attached to the report are not being produced. The

third is that there are some inconsistencies between the cyclostyled copy and the printed copy of the report that are there and that the original copy is not being produced.

Pandit Thakur Das Bhargava: The memoranda produced by interested people are not being produced here.

Mr. Deputy-Speaker: I wrongly named them as reports; they are memoranda.

Pandit Thakur Das Bhargava: Apart from the memoranda submitted by the two Governments, interested people produced many documents before Mr. Pataskar. They have not been produced here.

Mr. Deputy-Speaker: So far as I can make out, there are three things. So far as the maps are concerned, the Government says they have produced the 1935 map. In my opinion, no impression should be given to the Members that something is being suppressed. If there is a map, even though it may not be of much use and it might not be a complete map, ought to have been placed before the Members, so that the Members may look into it and argue according to that. Members have to take their own decisions.

So far as privilege in public interest is concerned, perhaps under rule 368, I will not be able to insist upon their production, if the Minister claims privilege for those documents in public interest.

Regarding the third thing, my view is if really there is a discrepancy between the cyclostyled copy and the printed copy, all doubts should be set at rest by producing the original report by Mr. Pataskar himself. Why should not that be produced, so that all these doubts might be removed? In my opinion, there cannot be any secrecy about the original report by Mr. Pataskar. That should be produced, so that we might know whether there is any difference between the original copy and the printed copy, as is now being alleged.

Shri Datar: So far as Pataskar's report is concerned I have also got a cyclostyled copy, as my hon friend, and one that was placed in the library. Therefore, let us accept the cyclo-styled copy as the correct one. So far as the cyclostyled copy and the printed copy are concerned, only one sentence is missing.

Mr. Deputy-Speaker: Now he is pointing out the second one as well. Two other documents.

Shri Datar: We have not received those documents, that is my difficulty. We have not received anything at all, and I may assure you that we have no desire to withhold any document.

Pandit Thakur Das Bhargava: It is accepted that so far as the Minister is concerned, he has no desire to withhold anything.

Shri N. R. Muniswamy (Vellore): What I find is that he was given a copy at Madras by the Madras Government and by the Andhra Government later. With regard to the dispute I do not find any memorandum submitted to Pataskar.

Mr Deputy-Speaker: Now we have decided that the cyclostyled copy shall be considered as the authoritative and authentic copy. Therefore, the hon Members shall refer to the contents of that copy. Now Pandit Thakur Das Bhargava points out that there are two differences—two documents. So far as the claim of the Government about the secrecy of those documents and privilege about them, are concerned, I am afraid I might not be able to interfere in that, under rule 368, the proviso of which reads:

"Provide that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest."

In that case, I might not be able to interfere in that. But what I wanted

to be clear about is this. Now that this report is before us, the hon Members shall argue on that and the map also. As far as the map is concerned, even though in the opinion of the Government, it may not be of much use to the Members, and they think that the decision has been arrived at on the basis of the 1935 map even then the impression should not be left that the Government was suppressing anything. That map might also be put up in the library.

Pandit Thakur Das Bhargava: May I respectfully point out that in the passage that I have read out there is a reference to the letter and map, and in the report they say they have appended it to the report. There is no privilege motion regarding those two documents—the map and the letter which I have just read out on page 19. He does not claim any privilege on those things.

Mr. Deputy-Speaker: Is privilege claimed on that?

Shri Datar: So far as that map is concerned, that map has already been produced.

Mr Deputy-Speaker. Is that the map on which Shri Pataskar relied?

Shri Datar: That is the map on which Mr Pataskar relied.

Mr Deputy-Speaker. What about the letter?

Shri Datar: So far as the copy of that letter is concerned, it is a letter from the Government of Madras. I do not think the hon Member has any use of that letter. I have no objection even to his seeing it. It has no bearing on the discussion at all. It says:

"Andhra State—transfer of certain forest and poramboke land from Chittoor district to North Arcot District."

It has no bearing on the present question.

Mr. Deputy-Speaker: My question would still be there. If the hon. Minister claims privilege, so far as that is concerned, I would not interfere. But, unless he does that, I will have to ask him to produce it.

Shri Datar: Inasmuch as I have claimed privilege with regard to two, I should like to claim privilege with regard to this. But I may point out to my hon. friend that it has nothing to do with this controversy.

Shri Nath Pai (Rajapur): I have very carefully listened to the marathon speech made by Pandit Thakur Das Bhargava, ably assisted by Shri Masani and one does get the impression that after having accepted a cogent principle, the Government let loose an opportunity of rectifying some wrong, which was still left there by the report of the SRC. The Minister has gone out of his way, as far as I remember, at least on seven occasions during his long speech he mentioned that how the principles were agreed upon between the two parties. It was a very healthy thing that agreement was procured on the principles of solving these problems. But it is very unfortunate—and that is the impression that Pandit Thakur Das Bhargava produced on me—that these principles were not uniformly and consistently enforced, either by the arbitrator, or by the two Chief Ministers when they met, when they had an opportunity of applying in force these principles. A very good opportunity, therefore, I feel, has been lost, and I still feel myself that all material data, which this House is entitled to get in deciding an issue which the State Legislatures cannot decide and we alone can decide, have not been given.

But my real trouble with regard to this particular Bill is something beyond these two points, to which I have already made a reference, an opportunity lost of rectifying a wrong, not only in the case of Andhra,

where a consistent application of this principle would have removed the lacuna with regard to these 47 villages. There is no doubt about it, and I should be very glad to be persuaded by the Minister, that this is not the case. Pandit Thakur Das Bhargava has produced incontrovertible evidence that even a systematic, uniform and consistent application of this principle of village as a unit, would have resulted in the line being something different from what it has actually resolved into.

May I now come to something more important by way of principles? The SRC Report—and here I disagree with my friend, Shri Masani—had tried to uphold principles which had no kind of sanction in logic. Now, the district can never be a unit for deciding the borders between the two States. The district was not created by the then administration of India, the British administration, on the basis of any cogency, either of convenience of people or of logic. How did a district come into existence? As the British went on extending their conquest, a district was formed. A district is not something which had any kind of criteria applied in its creation. Take the case of Belgaum district. There was no such thing as a district. They went on conquering the local territory from the different lords who had happened to be ruling there, and a district was created. The border was decided, not on any particular principle; they came face to face with Maratha princes there and that became the border. In spite of this history, the Trimurthi, who said that they would do what they like with the map of India, accepted the district as a basis for drawing the border. Shri Datar has been a great upholder of that, particularly because it suited his particular point of view in deciding this dispute. I, therefore, was very happy to see that he was laying stress on the new principle, that is, of the village. The Indian National Congress, which he represents here, and Mahatma Gandhi,

time without number, had laid down as the guiding principle if the linguistic map of India is to be re-drawn—that the village should be the basis, contiguity, majority and, of course, isolated pockets to be left out,—these four cogent principles which he is now pleading eloquently and to which, I hope, this House is going to give statutory sanction, will be applied

May I ask him why the House was not given a chance of having a consolidated Bill? Is this the only border question before the country or are there more? If that is so, and if we have got a solution on the basis of these principles here, what is it that is hindering the Government? Are we going to toy with re-drawing the map of India? Here was an opportunity given to us. Why did he lose this opportunity? Why did he not come to the House with a consolidated Bill in which the border questions between the other States also were there? He will now come with a reply—I know that in advance—that the two Chief Ministers have agreed, as if this is of very great consequence to this House. If we have a principle, let us be uniform in its application and let us try to resolve this problem

The SRC had stated in its report regarding other borders that it is a connected matter, and we cannot go in isolation, having one principle in dealing with the border between Tamilnad and Andhra, and other in dealing with the problem between Bombay and Mysore. We are to lay down some uniform principles and see that these principles are honestly applied, uniformly applied and universally applied in dealing with problems which are of a similar nature. Could he now honestly tell the House that the problems that Bombay and Mysore are now confronted with is in any way different from this problem? And when he is the sponsor of this Bill, in which these principles are applied, on what basis, what with justification is he denying the same

justice to the people of Bombay? I am not raising the plea on behalf of only Bombay

Mr. Deputy-Speaker: That is a hypothetical question at this moment. When these principles are departed from in those cases, then the hon Members might argue that already the House has decided upon certain principles and why they are being deviated from

Shri Nath Pai: I am coming to that. By the passage of this Bill by the House, these principles will have received statutory sanction

Mr. Deputy-Speaker: Does the hon Member say that the hon Home Minister should not pursue this principle?

Shri Nath Pai: He should. It is my cogent plea. It is my plea. It is my appeal to him. You have only put it in a very succinct form by asking me the question than I possibly could have succeeded in doing. I am asking him that now that we have departed from there—and we have departed, I think correctly, it is a great service to the country—all the blistering wounds that still remain can be healed and here is the occasion for bringing that healing touch

I will be failing in my duty if I do not say a word about Pandit Thakur Das Bhargava. I will be very brief. I have been very impressed by the marathon speech of Pandit Thakur Das Bhargava. The House owes a great debt to him. He has shown what a vigilant Member can do and how he can point out the lacunae and the injustice that is likely to be inflicted on the country as a whole and how the vigilance of a single Member can succeed in averting such kind of injustice being done to the people of the country at large

I will be asking the hon Minister about a committee that was supposed to be appointed to settle the dispute between the Mysore and Bombay administrations. You may ask me as to

[Shri Nath Pai]

why I come to that The reason is very simple We are today trying to do something that has been said by the SRC in its Report I am therefore fully on firm ground in raising the plea so that this House may not be asked innumerable times to have different principles on different occasions to suit the convenience of different State administrations The principles should be the same and should be rigidly applied everywhere wherever this House is called upon to deal with similar problems I therefore will be asking him as to what it is that is preventing him from taking a categorical stand when he, as The Home Minister, is concerned with it, that this shall be the principle between Orissa and Bihar, between Bombay and Mysore and between Maharashtra and Karnatak If he does that then only the House's time will have been adequately employed and we shall have been justified in giving our consent I do give my consent to the principle and I express my regret that they are not adequately enforced in the case of Andhra My even greater regret is that this Government is giving greater consideration to this administrative expediency than to upholding the right of a citizen Here is one more occasion when he can at least give a categorical assurance that whenever such an issue is before this House it is the rigid, sincere and honest adherence to these principles which will guide him in bringing the Bill and not convenience nor the so-called sanctity of the agreement between two Chief Ministers If this categorical assurance is given at least at this late stage, the House will be given an opportunity of rectifying the wrong which is causing much heart-burn in many parts of the country

With these words I conclude hoping that he will be coming forth with an assurance of this kind

Some Hon Members rose—

Mr Deputy-Speaker: Normally, I should now call the hon Home Minister.

Shri Nagi Reddy (Anantapur): Nobody from out side has yet spoken.

Shri Khadilkar (Ahmednagar): I will not take long time

Mr Deputy-Speaker: Now, the House itself took the decision

Dr. Gangadhara Siva (Chittoor—Reserved—Sch Castes). I would like to inform you that not even a single Member from Andhra has been given a chance to explain

Mr. Deputy-Speaker: All right, I will call the hon Member also Hon Members will take five minutes each Shri Khadilkar

Shri Khadilkar: Mr Deputy-Speaker, Sir, unfortunately the last States' Re organisation Commission failed to apply its mind concerning the demarcation of boundaries between two States It applied one principle in one case, like that of Bombay and Mysore, and another principle in another case I have got to say with great regret that though the late Shri Fazi Ali had a judicious mind, more or less politics entered into the SRC's recommendations It is obvious from the Report itself At the outset I would like to congratulate Shri Pataskar He has laid down some principles because part of the States' re-organisation question is unsettled Why I say this is because when we were considering the formation of Samyukt Maharashtra

Shri Datar: May I correct the hon Member? Shri Pataskar did not lay down any principle

Shri Khadilkar: I am coming to that

Shri Nath Pai: But we are accepting that now

Mr. Deputy-Speaker: Whether he has laid down any principle or not, that opportunity is taken advantage of

Shri Datar: He has not laid down any.

Shri Nath Pai: Anyway the House is going to accept them and give statutory sanction to them. That is the important point.

Shri Khadilkar: When we were considering the question of the formation of Samyukt Maharashtra we gave serious thought to this problem because we never thought that this problem could be dealt with in a peaceful manner in free India. We have gone through the record of the League of Nations. I may point out to the hon. Home Minister that after the League of Nations was formed the small eastern states like Poland and Czechoslovakia and others were created and the question of boundaries and linguistic minorities were very prominent there. We have referred to the principles that they laid down and we have come to certain conclusions, which more or less corroborate what Shri Pataskar has said. I know from the Report itself—I have got the document and I have had a talk with Shri Pataskar—that these principles evolved, when the two Governments submitted their memoranda to him as a mediator, for future guidance and not only for settling one dispute. He was not so parochial. He thought—and thought correctly—that he must take a long-term view. There are other disputes also. So disputes should not be settled as far as possible on the basis of expediency, whether one firqa should go to Tamilnad or to Andhra. In this controversy it is a question of one firqa going this way or that. I think the mediator has given serious thought to it and after that, while applying the principle, he has tried to do justice to both the States concerned.

Therefore, while lending my full support to the Bill I want this House once and for all to remember that when this House decided about the bilingual State of Bombay the House failed in its duty because it never consulted the people of the States—

neither of Gujerat nor of Bombay. You took a decision unilaterally, undemocratically. Today you have come to grief and to your senses and you have got to reverse that decision. In this particular case, I support the Bill because it has a representative sanction behind it.

Mr. Deputy-Speaker: It is not fair to say that this House has come to its senses.

Shri Khadilkar: Excuse me.

Shri Nath Pai: He probably wanted to say the Government. He meant the Government.

Shri Khadilkar: It is not before the House as yet. I amend my statement. Thank you for the correction.

Therefore what I say is that this Bill that is coming before us is the beginning of a process. Andhra started the process of re-organisation of States. Now the process of border adjustment has again been started by Andhra and Madras where we first began that experiment in a hasty manner to some extent without proper and prior preparation. So many difficulties would have been avoided if our Government had given serious thought to this problem in all its aspects. But leaving that aside, once it has begun and once this House accepts this, whatever the measure about other boundaries that comes before the House, we, as the representatives of all India not looking to any particular interest or particular regions, will adhere to certain guiding principles that have been laid down. Fortunately, Madras and Andhra Governments agreed. Therefore Shri Pataskar could lay them down. Let us hope that wisdom will dawn on the hon. Home Minister, because he represents Mysore, when the question of Bombay and Mysore comes up and that he will not go back on these principles....

Shri Nath Pai: He cannot go back.

Shri Khadilkar: ...because the House has sanctioned them. On that

[Shri Khadilkar]

basis alone, I support the Bill. I do realise that whatever is done.

Mr. Deputy-Speaker: On the one side the hon. Member supports the Bill and wants that it is passed as early as possible and on the other side tells the House that if you do that you will be laying down principles that are yet to come.

Shri Khadilkar: That will help the process. I am helping the process of reorganisation which is remaining on the fringe, incomplete. Let us do it and let us remove those spots of discontent in the country so that our energies will not be diverted to other causes.

One more word and I will finish. When I saw Pandit Thakur Das Bhargava speak at great length I really admired his energy at his age. I also warned him particularly about his health. He took such a deep interest in a problem with which he was not directly concerned. But I admire one thing in him and that is that when any measure comes up before the House, he shows such vigilance that everything, every fact must come before the House, before the House takes a decision. This is a good thing. Therefore I congratulate him though I am unable to support his amendment because this matter must be once for all settled so that other pending matters would also be speedily settled.

With these words I support the Bill.

Mr. Deputy-Speaker: Congratulations for Pandit Thakur Dasji and vote for the other side. Shri Nagi Reddy.

Shri Nagi Reddy: Mr. Deputy-Speaker, Sir, I would like to remind the House of the Resolution that has been passed by the Andhra legislature on this particular Bill. I would like to read the Resolution so that the House may be aware of the sentiments of that legislature before it takes a decision on this Bill.

"That the proposed Andhra Pradesh and Madras Bill, 1959, having been considered, this House approves this Bill with the following recommendations:

That as the border dispute over the contiguous Telugu area of Hosur Taluk and portion of Vepanapalli Estate Firqa in Salem District has now been settled.."

"and as Shri H. V. Pataskar treating them as a trilingual area has clearly stated that the dispute regarding this area can be settled separately, this House reiterates its legitimate claims over this area, as well as Telugu villages in Gudiyattam Taluk in N.A. District in Madras State and Kolar District in Mysore State."

This resolution gives us the opinion of the Andhra legislature so far as this particular Bill is concerned because that House has unanimously accepted this Bill and having accepted the Bill they gave their opinion regarding the areas which are not the concern of this Bill at present.

I am very thankful to the oldest Member of this House, Pandit Thakur Das Bhargava, for having put in such a clear and cogent way the expressions of some of the people of the Andhra border areas. There is quite naturally heartburning on both sides. It should be and it will be when a border is being demarcated, but unfortunately Andhra was not a separate entity in our history till 1953. I do remember that in 1936 when for the first time I came to the north I was asked as to who I was and I told them that I was an Andhra. I was immediately asked, Does it mean that you are a Madras? From the State from which we came we were called Madras, but then the Andhras have a separate entity. But then we lost our separate entity for centuries and quite naturally a lot of our areas also got mixed up with so many other States just as in Madras, or a few areas in Mysore, a few in Orissa, or

a few others in Madhya Pradesh and even in Maharashtra. That way we were dispersed in quite a number of other provinces. Now we are slowly trying to settle these problems once and for all so that we live as brethren for ever, so that these bickerings might not go on and continue for a long time.

The States Reorganisation Commission's Report has been accepted. It is in this spirit that we also accepted to abide by Shri Pataskar's award. It is in this spirit that the people of Andhra as a whole, all parties and all groups have accepted Shri Pataskar's award and the Bill that has been approved by us placed before the House. Therefore, I wish the House agrees to this Bill and passes it as early as possible.

Secondly, however well the principles may have been laid down, when we begin to apply the principles to a particular area, it is certainly possible that each will draw a different line. When there is a border, we must remember always that there will be Andhras in the Tamil area even after the borders have been drawn, and there will be Tamils in the Andhra area, however closely and clearly we draw the line. Therefore it becomes necessary for us to remember this and try to help the Tamilians in the Andhra area and the Andhras in the Tamilian area to, as far as possible, keep their linguistic traits even though they have become part and parcel of those areas. That should be the spirit in which we should try to solve these problems. Therefore, today's job is not a job of trying to put it back into the cauldron and see what happens.

I have seen with my own eyes the bitterness with which the people of the area have fought, not for one year, but from 1953 up till 1959, that is for six years. I wish the six years of bitterness end now. This should not be allowed to go on. Particularly, I would request the Members of the House to remember one thing. How-

ever well we may wish that all the areas should be developed, I may tell you that neither the Madras Government nor the Andhra Government are now interested in developing that area because nobody knows whether it will go to the other State, and so they think why they should spend money on roads or schools in that area. Therefore, who are the people who are losing the benefits of development? It is those people in the border areas who are losing them, and that is to the detriment of the nation as a whole, to the detriment of the States as well as to the people in general. I do not want this state of affairs to continue. Therefore it is I say that this should be accepted.

I would only request the Government in the end that this formula should be applied also to the other borders of Andhra Pradesh, and I am sure the people of Andhra and the Government of Andhra will be willing to settle these problems on the basis of this principle in a very peaceful and legitimate way and not quarrel over these things. The settlement of the Madras-Andhra border is, I should say, the right way of settling the problem, and I am sure these two Governments have shown the way to the other border problems to be settled. Just as the Andhras have shown the way to the formation of linguistic States, this is the proper way of settling the border problems, and I hope this will be taken advantage of by the Government and they will see to it that the other border problems of Andhra Pradesh will also be solved in the same way.

Mr. Deputy-Speaker: Shri Basappa. He may take five minutes.

Shri Basappa (Tiptur): Ten minutes at least.

Mr. Deputy-Speaker: Five. I will request him to be short because we are now already trespassing upon the allotted time.

Shri Basappa: The speeches of my friends Shri Khadilkar and Shri Nath

[Shri Basappa]

Pai have a much wider significance. Therefore, in the light of those observations, I would like to examine the principles underlying this award.

Shri T. B. Vittal Rao (Khammam): Why quarrel now on that?

Mr. Deputy-Speaker: We are not settling those disputes just today.

Shri Basappa: I understand that, but once we adopt certain principles in this House in respect of two States, naturally these principles will come up when we take up the boundary questions of others.

Mr. Deputy-Speaker: Then he can say that the principles applied to particular circumstances of an individual case.

Shri Basappa: Still I want to examine the principles on which this award is based. This House has expressed itself on the principles of the award, and therefore I would like to submit in the beginning itself that these principles are very controversial.

Shri T. B. Vittal Rao: No, no.

Shri Nagi Reddy: Not at all.

Shri T. B. Vittal Rao: His arguments are very weak.

Shri Basappa: I know this is a very controversial thing, and the very fact that our Speaker left the Chair shows that there are controversies in this Bill and therefore he thought that it was not wise to remain.

Again, even the hon. Minister who is moving this Bill knows its implications, and I would humbly request him to consider that this principle of the village unit is not going to rest here. It will take us very long, and it will take us into all kinds of disruptions in this country.

Shri T. B. Vittal Rao: Belgaum.

Shri Basappa: My hon. friend speaks of Belgaum. The Bill is going

to be accepted because the principles underlying this Bill were agreed to by the parties, but tomorrow the parties concerned might not agree, the two Governments concerned might not agree, and still ..

Shri Nagi Reddy: Parliament will agree.

Shri Basappa: the point will be made that the two Governments in the other case agreed, why not these two Governments agree here? These are certain handicaps in the way of this Bill being accepted in principle.

After all, even in respect of this award itself, what does the Andhra Government say? The report says:

"The Government of Andhra at a later stage (on 21st June 1956) also suggested to the Government of India to have the Madras-Andhra dispute considered along with the boundary disputes between Andhra and Orissa, Andhra and Mysore, and between other areas that may arise as a result of the general reorganisation of States carried out with reference to the recommendations of the States Reorganisation Commission. The Government of Andhra urged that the Madras-Andhra border dispute should not be treated as an isolated problem and that that dispute also should be settled on the basis of uniform principles which the Government of India should formulate for the settlement of all boundary issues existing or which may arise in future between the States in India."

This is what the Andhra Government has said.

Again, even Shri Pataskar has stated

"There is no agreement between Andhra and Madras about the basis of the settlement of any trilingual area. A triangular dispute regarding a trilingual area can be settled only at the instance of all the three parties."

So, in the light of these observations of Shri Pataskar, we cannot say that the Andhra Government or the Mysore Government or the Madras Government would be arriving at right conclusions. Hence, my submission is that the whole question should be decided for all the States together, and the status quo should be maintained at least till 1961 when a proper census could be made. After all, 1961 is not far off. And we know how the census figures have gone wrong in the past, and, therefore, with the object of having a correct view of the whole position, we could have a census conducted, and see that these things are settled all over India in a uniform way.

13 hrs.

Even the contiguity principle is given a sort of go-by here. The principle of 51 per cent versus 49 per cent is not also a healthy principle. The other day my hon friend Pandit Thakur Das Bhargava pointed out how even taking a village as the unit was wrong, he had pointed out how even the Tamilians were distributed wrongly. So, even the village unit principle is not a good principle which could be implemented. Considering all these aspects we see that it is very difficult to apply these principles in practice. Hence, the States Reorganisation Commission considered all these things and all these instances and said that village could not be the basis. Even the Dar Commission had come to the same conclusions.

As my hon friend Shri Nagi Reddy has said, there is no mutual agreement with regard to the trilingual area. In the trilingual area, the main thing is about Hosur. It is not contiguous with Andhra Pradesh. The Pataskar Award itself says, so far as the linguistic composition is concerned, that next to the Andhras, the Kannada people are in a majority.

Shri Nagi Reddy: If we get the Telugu area of Mysore, it becomes contiguous to Hosur.

Mr. Deputy-Speaker: We are not deciding those issues now, and so they may not be referred to now.

Shri Basappa: Since Shri Pataskar himself says that the three parties concerned should arrive at an agreement in this matter, I would submit that all these questions along with the other border boundary questions in the whole of India should be considered together, and a consolidated Bill should be brought forward so that all these matters may be settled once and for all.

Dr. Gangadhar Siva: I rise to support and congratulate Pandit Thakur Das Bhargava, a senior-most learned and experienced Member of this House, who has put forth the claims of the Andhras in this boundary question, and pointed out the gross mistakes which have been committed by both officials and non-officials in this respect.

Ever since the infant Andhra State was formed, we have been harassed by the three neighbouring States, namely Mysore, Madras and Orissa. This has been just like a pincer movement applied in a strategic war. They have also supplied new maps. Perhaps, they might have copied this from our friend China, the ambitious China, which is putting the cart before the horse and drawing new maps with the territorial ambition of laying claim over the innocent borders of India.

Mr. Deputy-Speaker: The hon Member means to say that China has drawn inspiration from Andhra or Madras or that Andhra or Madras has drawn inspiration from China?

Dr. Gangadhar Siva: I would advise them not to copy this. This is not China. This is a domestic affair, and it is our hope that we can settle our affairs with the sane judgment of this learned Parliament in a proper perspective. I would like to ask my hon friend the Home Minister not to rush through this Bill in such a

[Dr Gangadhar Siva]

short time and see that this Bill is passed I do not mind, and we are even prepared, if we have to part with the whole of Andhra in favour of Madras but I want justice from this House

So far as the maps are concerned, I would like to show how they are wrong and I should like to fight out the statistical data Government have accepted taking the village as a unit, and 51 per cent population as the criterion, but the States Reorganisation Commission have stated that 70 per cent population should be taken as the basis and the taluk should be taken as the unit

In the 1931 census the Telugus and Tamils were equal in number. In 1951 the Tamils were increased and the Telugus were considerably reduced. This was nothing but manipulation. The same 1951 census figures were considered in the year 1955 to decide the border problems between the two States. But even here the special officer who was appointed for this purpose, reduced the Telugu population deliberately and increased the Tamil population according to the following figures. In 1931, the total population was 1,98,455. The Telugus were 97,243, and the Tamils were 99,227 while the others were 1985. In 1951 the population was 2,32,941, and the Telugus were 1,02,585 and the Tamils were 1,21,989 while the others were 8,360. The 1951 census figures, when sorted in 1955 show the total population as 2,32,860, the Telugu population as 87,484, the Tamil population as 1,40,961 and the population of others as 4,455, thereby, the Telugu population has been decreased by 6½ per cent, while the Tamil population has been increased by about 8 per cent and that of the others has been decreased by 1½ per cent. This shows that the Telugu population has been reduced by about 20,000 or so while the Tamil population has been increased by about 19,000 persons. I do not know whether they were observing family planning or not.

My third point is that Tiruttani taluk was under zamindari, and it was never surveyed, and therefore, there was no survey map for that area at all. As the hon. Minister has said, if the eye-sketch map of Tiruttani taluk brought by the Government of India is taken into consideration, as many as 120 villages would come to Andhra Pradesh. But this has been deliberately omitted at page 27 of the Andhra Pradesh and Madras (Alteration of Boundaries) Bill. They have deliberately omitted villages Nos 107 and 108, and also Nos 121 and 122. These ought to go to Andhra Pradesh.

As per the Pataskar Award, accepted by both Governments 290 villages were given to Madras and 48 villages were retained in Andhra Pradesh. But in this Bill before this House, we find that only 288 out of those 290 villages have been mentioned, and villages Nos 108 and 122 have been left out at page 27 of this Bill.

Under these circumstances, I would request this House and the hon. Minister to appoint an impartial committee consisting of representatives of other States, and one Andhra and one Tamilian, to investigate into this award and report to this House by February, 1960.

Mr. Deputy-Speaker: Now, the hon. Minister

Shri Nanjappa (Nilgiris): On a point of clarification

Mr. Deputy-Speaker: Now, I have called the hon. Minister

Shri Nanjappa: I want only a few minutes. I want to make certain clarifications on behalf of the Madras Government, and nothing more.

Shri Datar: I think it is not necessary

Mr. Deputy-Speaker: Is the hon. Member affected by this boundary question?

Shri Nanjappa: I want to place certain facts on behalf of the Madras Government

Mr. Deputy-Speaker: Members from Madras have already spoken, and I had given chance to them I am sorry Now, it is too late So, I am calling the hon Minister

Shri Datar: Mr Deputy-Speaker, I have heard very carefully the arguments, the long arguments, advanced by my hon friend, Pandit Thakur Das Bhargava, as also certain general questions raised by other Members I should answer the latter first

There is considerable misapprehension in the minds of a number of people and therefore, I would make the position very clear so far as Government are concerned Now so far as the reorganisation of States was concerned, Government appointed a Commission and they have generally accepted their recommendations Their recommendations regarding reorganisation have been noted in paragraphs 291 and 298 of the States Reorganisation Commission's Report They stated that in all such cases, the linguistic principle was one along with certain other principles They laid down the doctrine that the district ought to be the unit and 70 per cent ought to be the minimum population for transferring it from one linguistic unit to another So so far as Government are concerned, this was the principle laid down in the States Reorganisation Commission's Report

We had a very long and exhaustive debate in both Houses of Parliament and ultimately Parliament also accepted this principle While the debate was going on, it was made clear that if at all there was to be any change, then the change could come only out of an agreement between the parties concerned Therefore, I would submit that this House has already taken a decision based on the recommendations of the States Reorganisation Commission.

Now, in this respect, so far as the Andhra State is concerned, may I in-

vite the attention of hon. Members to what the SRC have stated? Before that is appreciated, may I point out that the case of Andhra stood by itself? When the Andhra State was formed in 1953, the Prime Minister himself pointed out that the Andhra State was to consist of the undisputed portions of the Madras State and that the actual disputes in respect of the borders between the parties should be subsequently settled On that basis, the general principle laid down by the States Reorganisation Commission subsequently was not to apply That is the reason why in the SRC's Report also in paragraphs 395 and 396 they have dealt with the whole question and they have stated

"Some progress has now been made in this direction and the Madras-Andhra border disputes may be settled satisfactorily by negotiation between the two Governments We do not feel called upon, in these circumstances, to make any particular recommendation"

Thus the general decision has been clarified and the case of Andhra was treated as a case by itself Therefore, as I pointed out in my opening speech, immediately after the Andhra State was formed, with a view to find out the linguistic composition of the various villages, language slips were being collected and looked into, and the actual linguistic composition was found out by about the year 1955 This would be found in the brochure that has been published. Under these circumstances, inasmuch as the case of Andhra had to be dealt with on other basis than the one laid down by the SRC, the two State Governments came to an agreement I have made a reference to this agreement When two State Governments come to a particular agreement, that agreement is one which cannot be lightly brushed aside

A number of hon Members stated something about the State Govern-

[Shri Datar]

ments or the Chief Ministers. That was entirely wrong and beside the point. The Chief Minister of a State is not an ordinary person. He is burdened with the responsibility of the administration of the whole State. He holds the office so long as he has the confidence of that particular State. That is the reason why the Chief Minister has to be considered as one representing or reflecting the wishes of the people concerned. That is the reason why the negotiations were going on, the language slips were being scrutinised by the two State Governments and they very wisely came to a conclusion that they should lay down a certain criterion or a set of criteria for approaching this question.

It was under these circumstances that these four principles were laid down as constituting the common criterion. It is thus that the principles of village as a unit 51 per cent as the population and all that mentioned have come into existence. Let my hon. friends understand that this was a specific agreement between the two State Governments on which further action was taken by the two State Governments and by the mediator. If at all any other persons or States desire that they should have a different criterion, then when there is an agreed criterion, we are prepared to accept it. If there is no agreed criterion then naturally, the views of the SRC, as accepted by this House, are the final word. Let this position be understood very clearly. After all, we laid down this principle. As Shri Pataskar has himself rightly pointed out, the two are entirely different matters and one cannot be confused with the other. I would invite the attention of the House to page 10 of his Report where he has discussed the whole question, the approach of the States Reorganisation Commission, and the agreed criteria suggested by the Madras and Andhra Governments, and this is how he explains:

"It will thus be seen that the criteria laid down by the States

Reorganisation Commission in their Report for the purpose of the reorganisation of States generally cannot have any bearing on the settlement of this particular dispute."

That was how these four principles, which were accepted by the two State Governments, came into operation. That was because we laid it down as a pattern that if the two State Governments agreed

Pandit Thakur Das Bhargava: With your permission, may I ask a question of the hon. Minister? The principle of universal application is very important.

Shri Datar: Let the hon. Member not interrupt now. Let me complete my arguments here. He has had his full—more than his full.

Mr. Deputy-Speaker. If he is not yielding, what can I do?

Shri Datar: I am not yielding. I cannot be deflected from my arguments.

Pandit Thakur Das Bhargava: It is with your permission.

Mr. Deputy-Speaker. He might be allowed to continue now. When he has concluded I will allow the hon. Member to ask questions.

Shri Datar: What I was pointing out was that so far as Parliament was concerned, it was committed to a certain course of action based on the recommendations of the States Reorganisation Commission. Now, that did not apply in the case of Andhra, because the question had been left open and what was disputed had to be settled either by negotiation or by agreement or otherwise. Happily in this case, the two State Governments agreed upon a particular formula. That was the reason why Shri Pataskar was appointed as a mediator or, as Shri Sanjeeva Reddi has stated in the State Legislature, as an arbitrator informally. That was how

he put it, because the object was that when these four principles were given, they had to be duly worked upon and the boundaries settled. That was how Shri Pataskar came into the picture. I may point out here that that was the reason why these principles were accepted in this particular case

Some hon. Members have raised other questions. I will not go into them. I may point out that so far as Parliament is concerned, it has settled the boundaries, after full consideration, of each of the States reorganised. If, however, the parties come to an agreement, then naturally that is a matter for consideration. In the absence of an agreement, it would be difficult to depart from what has been solemnly agreed upon by Parliament on the basis of the States Reorganisation Commission's Report. This was the reason why certain principles were laid down and Shri Pataskar worked them out.

In the course of his arguments he laid stress almost exclusively upon the principle of contiguity. If there was a Telugu village, he argued, all the villages surrounding that Telugu village in the Andhra State should be retained in that State and should not be given over to Madras. In this case, the two Chief Ministers have rightly pointed out that the criterion should be the totality of the considerations laid down and not one. One criterion is contiguity; the other is village as a unit and 50 per cent of its population. There is a last one which is the most important. If my hon. friend had taken that into account, at least three-fourths of his arguments would have been avoided. It has been stated that due consideration should be given to geographical features such as hills, forests and rivers as constituting the natural boundaries between the two States and the economic features such as irrigation sources and their ayacuts being in the same State.

So, when the matter was sent to Shri Pataskar, he had certain material before him. I shall show what that

material was, how that material was perfect and also how that material was made available to him. I shall then come to the needlessly vexed question of maps. In 1958 there was what was known as the general map, prepared by the Surveyor General of India. That map did not show the boundaries of the various villages. It was a map showing them at the district level but the villages had been located here and there. This particular taluk—Tiruttani taluk—was then in the combined or undivided Madras State. There were certain areas which were in the zamindari and they belonged to a famous Devasthanam in the Andhra State and they started a survey of one half of the portion in which the zamindari lands had been mainly situated. That map is now available and we have a clear demarcation of the villages in that map. So far as the other portion was concerned, it remained as it was. It showed the villages but did not show what may be called the boundaries in a properly demarcated form. Technically they say that there ought to have been what is known as the cadastral survey. So far as half the portion was concerned, there was this survey. On the basis of that map a bigger map was prepared and given to Shri Pataskar. Subsequently, we came to the census of 1951. When we had the census they had these maps, based on the earlier maps of the Surveyor General and others.

On the basis of these, language slips were also prepared. Actually in the case of the Census, we find that there was no village-wise calculation of the language material. When the Andhra State was formed and when certain disputed areas had to be settled either by retaining them in Andhra or by giving them over to Madras and vice versa this question was considered and language slips were fully looked into and different maps at the taluk level were prepared. This particular book which we have before us has the maps. It has the numbers and the names of the various villages with their population and shows

[Shri Datar]

whether they are Tamil or Telugu. This was the material which was available before 1935 and it took nearly two years for the census authorities to give the figures relating to the linguistic composition of the different villages. My hon. friend, Pandit Thakur Das Bhargava, argued almost like an advocate that the population was so small or so insignificant that was not the point to be taken into account. A village constituted a unit by itself because the two Chief Ministers agreed that it ought to be the particular basis on which the agreement was to be had. Then a bigger map was placed at the disposal of Shri Pataskar by the Madras Government. The Andhra Government did not put in any map for two reasons. One is that their own eye-sketch map had not yet been ready. Secondly, their enquiries or surveys were in progress. Lastly, the State Government must have come to the conclusion that the map that was given over to Shri Pataskar by the Madras Government was unexceptionable and so no objections could be taken thereto.

Dr. M. S. Aney (Nagpur) Have they said that?

Shri Datar: That is what is to be inferred. A State Government is a responsible Government. It is not like an ordinary litigant or party. If it had any material, it would have taken objection. I have however to submit that from their conduct, it should not be assumed that they were the defaulters. They did not produce any map because they found that the map that was given and of which they had full knowledge was one on which they could agree. Thereafter, we had Shri Pataskar's award. After this the State Government prepared what is known as the eye-sketch map. It is not a cadastral map. All the same they had collected material and there was already a survey map for half of the Tiruttani. All these material were taken into account by the Andhra Government and afterwards they pre-

pared their own map. The eye-sketch map was generally correct though, technically according to the survey measurements, etc. it may not be called a cadastrally prepared map. All the same this map was prepared by the Andhra Government. Then when this map was sent to the Madras Government, they found that there were certain discrepancies. These discrepancies occurred because it was not a finally completed map according to the technical survey.

13.29 hrs

[SHRI BARMAN in the Chair]

So, when these discrepancies came out, they informed the Andhra Government that it required a common scrutiny by an inspection on the spot. The Deputy Surveyors of the two States were deputed to go to the various villages and as I have said before they perambulated these villages. So, they visited each village and checked up all the discrepancies and came to the conclusion that there was a slight departure in the eye-sketch map from the other and nothing more. That had not affected the final question of the allotment of certain villages to Madras or Andhra Pradesh. This is only so far as the Tiruttani taluk is concerned. Therefore, they found that out of these six issues only four were material. The others were not material at all, because they did not affect the question of the grant of a particular village either to Madras or Andhra. That was because they were in the interior and not on the border. Therefore, so far as three of those villages were concerned, it was agreed that they ought to be retained in the Andhra Pradesh State. That was accepted.

Pandit Thakur Das Bhargava: What are the numbers of those villages?

Shri Datar: I shall give the numbers presently at the time of clause-by-clause consideration. So far as one particular village is concerned, it was on the border of Andhra Pradesh.

and Madras. Therefore that alone, out of four, was transferred to Madras. This is what has been done. Thereafter, as I have stated repeatedly, not only did the deputy surveyors of the two States agree by an on-the-spot inspection, but found that there was no other discrepancy worth the name at all so as to make it possible for Government to consider whether the award was right or wrong. In this case, therefore, we come across a position where two high officers of the State Governments looked into the matter by joint inspection and going round the villages, and came to the conclusion that in respect of four villages only there was a difficulty. The numbers of these four villages or hamlets are: 108, 177 and 122 and also 92. Nos. 108, 177 and 122 have been retained in the Andhra State. No. 92 was given to Madras because it is on the border line. Thus, I have tried to explain the position. If my hon. friend goes on repeating that certain maps have been purposely withheld, it is entirely wrong both to himself, both to us and in particular to the Andhra Government.

I have pointed out the latest telegram of the Andhra Government. It is to the effect that all these discrepancies were fully checked up and they have no other map at all. In the circumstances, a point does not gain in advantage by mere repetition especially when the House has been told very clearly—and I have repeated it—that we have not suppressed anything and we have no arguments any more on that matter. In the circumstances, I would submit that whatever has been done by the State Governments should be considered by us as at least of great importance.

13.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I agree with my hon. friend's observation that it is Parliament which is the last arbiter in this connection. I agree. That is the reason why we have brought forward this Bill.

But let us take also the realities of the situation into consideration. Here, the dispute was between Madras and Andhra Pradesh, and both the States took certain steps and laid down principles. They agreed and they had their materials fully considered by Shri Pataskar. After all this was fully considered, the Andhra Pradesh Government had certain claims which, according to them, had not been fully considered by Shri Pataskar. Therefore it is that adversely this particular matter of dispute raised by the Andhra Government was remitted to the mediator for further consideration. He did consider it and we have got here two reports; one is the principal report and the other is what may be called a supplementary report. According to the supplementary report, he considered the question as to whether any villages in Krishnagiri or Hosur taluks should be given to Andhra Pradesh. Shri Pataskar considered the whole matter.

May I point out that so far as the question of Hosur is concerned, it was raised by a number of hon. Members from Andhra in particular. But it did not satisfy one of the criteria laid down by the two Governments together. They stated that villages with over 50 per cent Telugu-speaking people should be incorporated in the Andhra State to the extent practicable, and vice versa. In Hosur, the position is that it is a trilingual area. There, the proportion of Andhra people, that is, Telugu-speaking, or Tamil or Kannada cannot be 51. It is a trilingual area. That is the reason why Shri Pataskar felt that he could not go into a consideration of this question.

Secondly, Shri Pataskar also found that in respect of Hosur, there was a claim made by the Mysore State, but at the inception, Shri Pataskar agreed that in the light of the views of the Madras Government, this dispute should be settled only so far as the Andhra Government and the Madras Government were concerned, and that other matters should not be introduced

[Shri Datar]

That is what the Madras Government said and Shri Pataskar believed that the question was principally between Andhra and Madras.

Shri Basappa: When the Andhra State was formed out of the composite State of Madras, the question of Bellary was considered and Bellary was given to Mysore. It could have been retained in Madras. On the same principle this could have been given to Mysore now.

Shri Datar: I am dealing with the question as to why Shri Pataskar found it difficult to go into that matter of Hosur or the other villages in Krishnagiri. Especially in Hosur, no linguistic group constituted more than 50 per cent. That is why he gave it up. As I said, he did not consider the question of the claims of Mysore, because Mysore was not considered as one which was interested in the Andhra or the Madras border. It may or may not be correct, and it may be open to the parties to consider that question. But I am only pointing out the technical difficulties in the way of Shri Pataskar. This is a point that has to be clearly noted. Shri Pataskar gave his award including the supplementary award or report. After that, the award was accepted by the two Chief Ministers at a meeting of the Southern Zonal Council. After it was so accepted, further procedure had to be started. According to Article 3, the Government of India had to prepare a draft Bill and send it to the legislatures. It is unfortunate that the Chief Ministers' authority is being brought down and, incidentally, even the wishes or the desires or the resolutions passed by the two legislatures are not also being given full importance. It is entirely wrong. After all, it is true that Parliament is the last arbiter and that is why the Bill is here. But while Parliament comes to a conclusion, it has to take into account and give the fullest importance, —in all my humility I am saying it— to the views of the people concerned.

Some hon. Members suggested as to what those legislatures knew. That is entirely wrong. They are autonomous legislatures under the Constitution and they have considered the most vital issues of the question which concerned their own people and their own territory.

Lastly, my hon. friend said that my remarks were not correct so far as the proceedings in the Legislative Assembly and the Legislative Council of Andhra were concerned. I have gone through the originals and may I point out to my hon. friend that what I had stated was factually correct in the sense that the objections that were being raised here so vehemently were not raised there at all. A number of members there spoke in full support of this Bill. Shri Reddy made rather a wild remark which I regret. He stated that Shri Sanjeeva Reddy has on a number of occasions given out his views that he was not bound by this agreement. It is entirely wrong and highly erroneous. On a number of occasions, he has stated that he accepts the Bill as it is, i.e. he accepts Mr. Pataskar's award. The discussion in both the Assembly and the Council has centred round what was not given to Andhra Pradesh in respect of Krishnagiri and Hosur taluks. I would not like to bother the House with the various points that have been made, but let it be understood very clearly that most of the Members spoke in favour of the provisions of this Bill. They only regretted that what was further due to them from Krishnagiri and Hosur was not given.

I would like to make special mention of what the hon. MLA from the Tiruttani constituency, Shri P. Gopala Reddy has said. My friend, Shri Nagi Reddy, was right when he pointed out that this matter has been hanging fire to the great detriment and damage of the areas concerned. The sooner this Bill is passed into law, the better. After the debate started here, Shri P. Gopala Reddy has written a letter addressed to the Home Minister and has

sent copies to the hon. Speaker and also to Members of Parliament representing Andhra. Some hon. Members have also stated that they have received copies of this letter. He is the most concerned man because he was elected to the Andhra Pradesh Legislative Assembly from the Tiruttani constituency itself. He is an Andhra, naturally. He has said in his letter:

"Much has been said and done regarding the dispute between the Madras and Andhra Governments about the settlement of the border. After six years of time, both Governments could come to an agreement regarding this long pending issue, agreeing unanimously as per Mr. Pataskar's report on this border settlement. It is seen that during the last session of Parliament some Members have demanded maps in this regard and the Bill was postponed for discussion then. The public are not aware of what kind of maps those Members demanded and the purpose that they will serve at this stage. In fact, I am the member representing the constituency in the State Assembly and I have been representing all that I could after and before Mr. Pataskar's report was published. In view of the principles agreed upon by both Governments in settling this border issue and on the total acceptance of census figures and maps specially prepared for this purpose, nothing more could have been done by the Andhra Government."

That clearly shows that Andhra Government was not wrong according to the opinion of the member most concerned. He continues:

"Mistakes have been brought to the notice of both Governments and rectification of the same was an impracticable thing.

It is, therefore, that the Madras and Andhra Governments finally agreed to settle this issue on the

basis of material available. Mr. Pataskar's report has been given only on those accepted census figures and maps."

The latter portion of the letter is rather heart-rending:

"The pendency of this issue is working havoc in the areas to be transferred and the sufferings of the people are undesirable. These areas are totally neglected by both Governments for all developmental as well as normal requirements. Therefore, the people are feeling disgusted as the issue is pending without disposal in Parliament. I would request the hon. Minister for Home Affairs to take immediate steps to enact the Bill and to see to the transfer of territories as early as possible, preferably on 1st January 1960. I hope and pray that you will be able to convince the Houses of Parliament in the matter and do the needful."

Pandit Thakur Das Bhargava:
What is the date of this letter?

Shri Datar: 19th November 1959 is the date which he has put in his own hand.

Pandit Thakur Das Bhargava:
After this debate started!

Shri Datar: I am not going to refer to a number of telegrams....

Mr. Deputy-Speaker: This letter has already been placed in the library.

Shri Datar: In this particular case, as I said, let us take into account the totality of considerations, neither entirely the boundary nor the linguistic majority nor certain other circumstances. My friend quoted a number of numbers and said here were as many as 10 mistakes, if not more. He would not expect me to give the reply to everyone of them. I should like to reply in a general manner. Those ten principal mistakes which he pointed out are in the unsurveyed area and not in the surveyed area. Secondly, my friend has suggested that a particular village to which he made reference is not inside, but on the border

[Shri Datar]

and if it is on the border, naturally all the villages behind in the internal portion have to be considered for retention in the Andhra State. This is his line of argument. In respect of one point only, I should like to make a brief reference, viz., 134 and 135. First of all, 134 is not in Tiruttani taluk at all. It is in Puttur taluk. So far as Puttur is concerned, it is nobody's case that it has not been surveyed. It has been fully surveyed and 134 has been properly demarcated in the Puttur taluk map. Puttur taluk has been shown with a particular area. My hon. friend suggests that the area of this particular village 134—its name is Gopalakrishnapuram or some such name—is not so wide as it has been shown. In the first place, there can be no dispute about this map regarding the demarcation of 134, because it is in Puttur taluk. So, we will start with the fact that 134 has the proper demarcated area. If this is taken into account, 135 is above it in Puttur taluk and 134 cannot have any contiguity with any portion of Tiruttani taluk. My hon. friend suggests, like a clever lawyer—he will excuse me for this—that the area must not be so great and so a portion or a crevice or a lane must be left so as to connect 135 with the border villages in Tiruttani taluk. That is a far-fetched argument. In the first place, there is no dispute about the area of 134 which is Puttur taluk itself. Under the circumstances, my hon. friend is bound to take the demarcation and area of 134 as absolutely correct and unchangeable, but it does not suit him. So, he says there is a small crevice or perhaps a lane and that lane will connect 135 with the villages of Tiruttani taluk. I would not go further but would point out to my friend, with due deference, that this is absolutely wrong, if not absurd, because we have to take a certain basis, and if this basis is taken, then he can have no argument at all. Then, his contention that inasmuch as No. 135 is a

Telugu village and has contiguity to a number of villages in Tiruttani taluk, they must all be given to Andhra Pradesh and cannot be given to Madras is no argument at all. Similarly, there are other arguments, but I am not going to spend much of the time. In my short speech it is not possible to reply to all the arguments advanced. It is likely that some portions have been shown here, and there might be some slight discrepancies, so far as the actual location is concerned; I am not prepared to deny that position. But we have to take the whole into account, the totality of the criteria into account and merely because, according to him, a village is on the border, therefore, you cannot go on trifling with the border line in the way that you please. After all, it is not the division of a house and a partition. Even there the division has to be reasonable, it has to be convenient and all portions should be accessible to all the persons. Here, in this case, we are dealing with the division of areas between two States, and these administrative matters have to be considered. If, for example, the boundary is not drawn in an organic manner and the areas of each State get in and get out, great inconvenience would be caused and it would be difficult for the administrative officers of the Madras area and the Andhra Pradesh area to carry on their administration properly. That is the reason why it was clearly stated that natural boundaries should be taken into account and in the boundary line drawn by Shri Pataskar meticulous care was not taken, so far as the composition of the village was concerned. For instance, while drawing the boundary, if you find there a crevice, through that crevice you bring in another village and show all those villages should form part of one unit, that could not be done. Secondly, wherever there are Telugu areas surrounded by Tamil villages, if they form islands, then they could not be transferred at all, because it has been stated that islands should be avoided.

Lastly, I would like to point out that my friend had been arguing all along on the footing that great injustice has been done to Andhra State. That is not correct. Take, for example, Pattur taluk. In that taluk you will find greenish belts. They are Tamil-speaking areas but naturally they have to remain in Andhra, because there is no real reasonable contiguity. You cannot have meticulous contiguity in this respect. All my friend's arguments are based on what I call, with due deference, a theoretical and hence rather academic approach. You cannot have an academic approach in this matter.

Secondly, another point may also be noted. It is quite likely that a particular village....

Shri D. C. Sharma (Gurdaspur): May I know what an academic approach is? Some of us are academicians and I think that our approach is highly reasonable.

Shri Datar: I have the highest respect for the academicians.

Shri D. C. Sharma: But what is an academic approach?

Shri Datar: "Academic" is "unreal" I did not want to use that expression.

Shri D. C. Sharma: The hon. Minister is making things worse.

Shri Datar: He invited, or rather provoked, it. I purposely did not say "unreal".

Shri N. R. Muniswamy: He is a professor.

Shri Datar: My hon. friend feels that a larger area has been given from Andhra to Madras. But there are also bigger portions which have been retained in Andhra Pradesh, though they are Tamil majority areas. My friend has not made a reference to Pattur area, because it is not convenient for his line of argument. Therefore, if we look into Tiruttani

and other taluks, to which I have already made a reference, we will find that a correct and reasonable boundary has been fixed and islands have been avoided, wherever possible. There are Tamil islands in Telugu areas and Telugu islands in Tamil areas. They will have to remain where they are.

Therefore, if we take all these circumstances into account, it would be wrong to say that there has been any haste. My hon. friend, Shri Masani, said that there was haste and that the Bill was ill-digested. If the matter has been decided after six long years of agony, so far as the people in this area are concerned, can we say that it is a hasty step? It is not hasty. It is also not ill-digested, because it has passed through various processes and at every stage the matter was subject to full scrutiny.

Lastly, may I point out that my hon. friend, Pandit Thakur Das Bhargava, had been absolutely unfair to Shri Sanjeeva Reddi, the Chief Minister of Andhra Pradesh, who had been here only 4 or 5 days ago, round about the time of commencement of discussion on this Bill. I have the authority of the Prime Minister himself to convey to this House the wishes expressed by Shri Sanjeeva Reddi before our Prime Minister. He said "kindly pass this Bill as early as possible; people are anxious because those areas have been neglected."

That is the reason why we are not in a position to accept what my hon. friend says, though I would appreciate the great labour and the patience which I wish he had spent on matters of greater moment than this. All the same, I am obliged to him for having considered all these issues. I have tried to answer all his points in a general and synthetic way,—because his is not an analytical approach.

Mr. Deputy-Speaker: Does he want to put a question?

Pandit Thakur Das Bhargava: I want the right of reply also, because the motion for reference to Select Committee is mine

Mr Deputy-Speaker: It is a motion by way of amendment to the original motion

Pandit Thakur Das Bhargava: According to our rules, when a person makes a motion for circulation, or for reference to the Select Committee, he has got a right of reply at the end

Mr. Deputy-Speaker: No

Pandit Thakur Das Bhargava: This is according to the rules. The Minister has availed himself of his right to reply

Mr Deputy-Speaker: We do not allow that, when they are by way of amendments. There is a motion here for consideration and these are by way of amendments to the original motion. Instead of the motion that the Bill be considered, they want the Bill to be circulated for eliciting public opinion, or referred to Select Committee. So, they are rather amendments, and the hon Member had his say. I cannot allow him another opportunity. If he wants to put a question, I would allow him

Pandit Thakur Das Bhargava: I will put a question also

An hon Member: No "also"

Pandit Thakur Das Bhargava: When a member moves an amendment like this, he has got a right of reply

Mr. Deputy-Speaker: If he can refer to the particular rule, I can look up if I am wrong

Pandit Thakur Das Bhargava: I remember to have availed myself of such opportunities before. Anyhow, just as you please

Mr. Deputy-Speaker: I am sorry

Pandit Thakur Das Bhargava: I know I will have an opportunity when the amendments are moved. Now, with your permission, I want

to put one question, and that is a question of legal importance. My hon. friend has stated that in this case the two Chief Ministers have first of all propounded the four principles and ultimately they have agreed. Therefore nothing has to be done, and it is entirely wrong for us to do anything. May I know whether according to article 162 and article 73 of the Constitution it is not a fact that so far as the States are concerned the executive power of that State, which means the executive power of the Government of that State, only extends to matters on which they can legislate according to article 78? So far as this Parliament is concerned, its powers are much greater. The powers of the Government of India are much greater. The Provincial Ministers cannot decide matters which are not within their province, set down principles or do the final thing. In this case the hon Minister wants that we should do nothing. On the contrary he condemned me even for having taken so much interest. He says that the two Chief Ministers agreed and they represented the States. This is a basic question. The parties concerned are the real parties to the dispute and they were not parties to the agreement. Shri Pataskar also heard them. May I ask why he heard them. So it means that the two Governments only who are alleged to be parties in this case have a say in the matter and the three lakhs of people have no say and that this Parliament has no say in the matter. On the contrary I maintain that the Chief Ministers or any Minister as such has got no more right in a matter like this than any person of the public who is concerned or not concerned. It is the Parliament alone who can do this. My hon friend says that the Ministers can lay down the principles. May I ask him what legal authority the Ministers have got, apart from those given by two articles 73 and 162. The Chief Ministers acted in this matter without the consent of the legislatures as Shri Gopal Reddy said that we were not consulted.

(Alteration of
Boundaries) Bill

The Ministers personally are not in a position to set down principles or to agree to the principles?

14 hrs.

Mr. Deputy-Speaker: I do not think it is a question

Shri Palaniyandy (Perambalur) I want one clarification Is it not a fact that all Panchayat Boards and District as well as Taluk Boards sent resolutions and telegrams

Mr Deputy-Speaker: That does not matter The Parliament has independently to consider all those things and decide for itself Nobody has taken that attitude Even the hon Minister does not say that because the legislatures have passed resolutions or because the Chief Ministers have agreed that this must go through automatically Nobody says that It is now the option of hon Members themselves I am putting it to them.

Dr M S Aney: May I ask one question?

Pandit Thakur Das Bhargava: Your view is perfectly correct But the hon Minister argued like that

Mr Deputy-Speaker: Even if he answers otherwise the House will not be bound by that Now, the question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1959."

The motion was negatived

Mr. Deputy-Speaker: The question

"That the Andhra Pradesh and Madras (Alteration of Boundaries) Bill, 1959, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely: Dr M S. Aney, Shri Harish Chandra Mathur, Shri Mahavir Tyagi, Shri Himendra Nath Mukerjee, Shri Radha Raman, Shri C. R.

Basappa, Shri Surendra Mahanty, Shri Raghunath Singh, Shri Indulal Kanaiyalal Jainik, Shri Upendranath Barman, Shri Ranbir Singh Chaudhuri, Shri Nath Pai, Shri Manjula Devi, Shri Banarsi Prasad Jhunjhunwala, Shri Jagdish Awasthi, Shri K P Kuttikrishnan Nair, Shri T. N. Viswanatha Reddy, Shri N R M Swamy, Shri B N Datar and the mover and 10 members from Rajya Sabha,

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee,

that the Committee shall make a report to this House by the last day of the first week of the next session,

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make, and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee"

The motion was negatived

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the alteration of boundaries of the States of Andhra Pradesh and Madras and for matters connected therewith, be taken into consideration"

The motion was adopted

Mr Deputy-Speaker: The House will now take up clause-by-clause consideration of the Bill

An hon. Member: How much time is there for that?

Mr. Deputy-Speaker: One hour. We have decided that. Clause 2. There is no amendment. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 —(Transfer of territories).

Pandit Thakur Das Bhargava: I have got an amendment. I beg to move:

page 2,—

after line 28 add—

"Provided that territories as have been wrongly included in the report of the mediator (Hon'ble Shri Pataskar Ji) on the basis of the Madras Plan to the Madras and Andhra Pradesh States shall not be included in the respective States as are found to be such as according to the four principles accepted by the two States cannot be included on the basis of the Survey Plan of 1957-58 and the new Census of 1960-61 or a Census specially taken for these areas."

Shri Datar: Has the hon. Member moved amendment No. 11?

Mr. Deputy-Speaker: No, it is No. 6 to clause 8.

Pandit Thakur Das Bhargava: I shall come to amendments Nos. 10 and 11 later on. So far as this amendment is concerned, there are two demands contained in it. Firstly, the Plan of 1957-58 be accepted and secondly, the new Census of 1960-61 be awaited or a new Census may be taken.

You have been pleased to order that the plans in whatever condition they are, even if they are in an unsaleable condition, should be brought. It would have solved your problems if they were brought. They are in Andhra. When will they be brought? After

this Bill is passed? When will these memoranda be called here about which Shri Pataskar has said in his award that he received numerous representations and received representatives from several individuals and organisations? The hon. Minister was asked to call for these memoranda by the hon. Speaker's order.

Mr. Deputy-Speaker: Has he got a copy of that? I can ask him to place them on the Table just now.

Pandit Thakur Das Bhargava: This is the original one. You have been pleased to order that the cyclostyled one should be taken as correct. On page 14 he says that the Andhra memorandum was placed before him. They are not in the Library. When will we peruse them? When will we come before you and argue for the case? After the motion is adopted or after the Bill is passed? Is this the law in this land that those documents which are ordered by the hon. Speaker or the hon. Deputy-Speaker to be placed on the Table will come after the Bill is passed? I am very sorry for this predicament in which parliament is placed. In this way we are asked to do our work! I do not know how we will be able to discharge our duty.

Then again the other plan, the other map and the other letter about which questions were raised have also not been placed. My hon. friend says that the plan has been placed. If that is the plan that is referred to, it is his construction. I do not know what is that plan. Then in regard to the memoranda, since my hon. friend has raised an objection and has raised the plea of privilege, you have been pleased to allow that. May I respectfully call your attention to Rule 368? Rule 368 only applies when an hon. Minister quotes something. The words of Rule 368 are:

"If a Minister quotes in the House a despatch or other State paper which has not been pre-

sented to the House, he shall lay the relevant paper on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest."

So, the proviso applies only to the former portion of Rule 368. It does not lay down a general rule that all those documents about which the hon Minister says that they are confidential will be withheld from the House. It is only when the hon Minister is quoting from some paper or from some despatch etc that he can plead for privilege. Here, in this case he has not quoted from any paper.

Shri Datar: Sir, you have already given a ruling and my hon friend is saying the same thing again.

Pandit Thakur Das Bhargava: Sir, I am submitting and I have a right to submit in respect of matters where there is no ruling. I submit to your ruling in respect of all despatches and papers that my hon friend quotes, but here in this case the two memoranda, one given by the Madras Government and the other by the Andhra Government, are part of the award itself. I have never seen in my life and my practice of more than 50 years that the written statement or the petition itself is withheld. They represented what one Government wanted and the other Government did not want. Even those have been withheld. I think it is not fair of him to tell me that I have not been able to make out a case when I do not know as to what were the pleas of the Andhra Government and what were the pleas of the Madras Government. Shri Pataskar never stated that they were confidential. On the contrary, they are appended to this Report. It is his writing and not mine. Therefore it cannot be said that in such cases rule 368 does apply. If the original written statement and

petition are withheld, what is there to argue? The evidence is also withheld, only Shri Pataskar's award is there. Even that is not available in full. When I read out something the other day, he told me that I had not got the correct copy. Therefore, before proceeding with this Bill, all these documents should be placed before the House and the House should be allowed to make up its mind as to what it should do.

I have made two submissions that the census may be taken, and that this map may be called for. I have no quarrel with the hon Minister. On the contrary, I respect him rather too much. But I am sorry I am not able to accept certain things which fell from him.

Firstly, my hon friend relies on the eyesketch plan, I also rely on the same plan, and I say not more than 10 minutes are necessary to come to a decision. Let the House devote only ten minutes for consideration of this matter and the ten points which I raised, to none of which he has said that I was wrong. I gave from these two maps the boundaries of those ten places, the boundaries given in the eyesketch plan as well as in the Madras plan, and those boundaries not tally. As a result, what happens? One hundred and twenty villages ought to go to Andhra on the basis of these four principles and the eyesketch plan.

Then my hon. friend propounds another argument. He says: let these four principles go, let us look to the totality of the effect of the four principles. I agree to that also. Will you kindly consider the question of villages nos. 134 and 80. How am I to be satisfied about the location of 134? Can he bring any map before you by virtue of which he can say that 134 is contiguous to the other 47 villages? In this House rightly there are two sets of views, one propounded by those who have got Maharashtra etc., in their view, and they want the whole boundary question to be settled in accordance with those views. The others are there who

[Pandit Thakur Das Bhargava]

want the principles given by the SRC to be followed.

In the first instance, may I know why the principles propounded by the SRC are given a go by? Since the two Chief Ministers have agreed and the Andhra legislature has not objected, to which I will come later, he says these new four principles have been accepted as a special case. And what is the speciality in this case? And how does it become a speciality under article 3?

When you call for the map you will find that village No 134 is not in Puttur Taluk completely contiguous and 47 villages at least will have to go back to Andhra if village No. 135 intervenes and is contiguous. My hon. friend says that this belongs to Puttur. Both 134 and 35 are in Puttur, and they will not be able to bag these 47 villages if they do not rely on 134 which is in Puttur also. I want to be able to satisfy you that actually 135 is also in Puttur, that both are in Puttur. If he can take advantage of the Puttur Taluk idea, why can I not? My hon. friend's statement does not hold water. I challenge him to show that these 47 villages can be pocketed. These 47 villages with a population of about 25,000 and 300 or 400 sq. miles have been pocketed at one stroke because of one small village consisting of twelve houses and 90 souls which does not take away the contiguity of village No 135. Is this justice? He has spoken about justice. I do not want to say anything against what he has said, but at the same time I am very sorry that I cannot agree when statements are made in this House in this way rather irresponsibly. It is rightly said that there is none so blind as one who will not see. There are two plans. I do not want a third plan. These two plans prove my case. These have been published by Government, they are not mine. This Government plan, the eye-sketch plan proves my case completely. Why does he not reply

to the ten points I gave? He has disagreed on only one point out of eleven where the boundaries are not given. When the boundaries are not given, even according to himself, can he rely upon this plan or contiguity? Can any boundary question be settled without a proper plan.

Therefore, unless and until the plan comes, which you have been pleased to order, or unless the hon. Minister, with a view to do justice to these lakhs of people, gets another plan made according to the survey plan, this question cannot be decided. After all, the boundaries are decided in these matters by the plan only and not otherwise. As I read out from the submission of Shri Arputhanathan, his plan is wrong. The author says he has not given the areas, the contours, the boundaries etc. Even then my hon. friend says that that plan is right. The Madras Government accepted it to be right, the Andhra Government said it was wrong, and as I said there are eleven examples given by me in which the areas are proved to be wrong obviously by mere inspection. My hon. friend has not replied to it. It is his choice to accept the four principles, but my claim is that according to the four principles also, if you give me your attention for ten minutes I will convince the whole House that at least 120 villages must remain with Andhra according to the eye-sketch plan.

Mr. Deputy-Speaker: I may state here that last time too when the hon. Member wanted to show the map and convinced me, I submitted that this is really a practice in courts where the lawyers certainly can take their documents to the presiding officer and convince him, but there is this difference that the presiding officer there has to arrive at a decision and give a judgment in the court, here I have not to give a judgment. I have only to pronounce the judgment of the House, whatever be the decision taken by

the Members. That was my difficulty and I expressed it at that time. It should not be taken that I refuse to accommodate him or to look into the maps, but my difficulty is that there is a difference between the presiding officer of a law court and the presiding officer in this House.

Pandit Thakur Das Bhargava: I appreciate your difficulty, but at the same time I am not convinced that my convincing you is useless. That is my difficulty also. If I can convince you or the Speaker, the tradition ought to be that the House should think twice before differing from the Speaker or the Deputy-Speaker once they are convinced.

Why did the Government not supply maps to all Members? Can I request my hon friend sitting there to look at the map? He has not got the map. You must provide the map when a boundary question is to be decided. They have given only five maps for 500 Members, and those maps are not issued by Parliament library. It is by special permission that I brought one map for showing to you. I brought it since I thought you might be pleased to consider my case rather favourably and look at it yourself. I have brought one map here for your consideration. This small map and this one ought to be looked at. I only pray that somebody in the House, I even pray to the hon Minister to be pleased to look at these two maps.

Shri Datar: The word "even" takes away all the grace.

Pandit Thakur Das Bhargava: I am very sorry if grace is taken away. I do not want to lose grace, I do not want to be disrespectful to anybody. At the same time, I want to do my duty. I respectfully told him to look into it, and now he says I have lost grace by asking him to look into it.

Shri Datar: My objection is to the word "even." "Even the Home Minister" you said.

Pandit Thakur Das Bhargava: The hon Home Minister there ought not to think like this. In my view he holds the same position as Panty and Shri Nehru. This is the real truth. I am not here to flatter anybody. I am not disrespectful, but at the same time I am very sorry that when I made that request he accepted it and yet he says this. Even now I do not want to argue any further if you are pleased to look at these two plans and come to your own judgment. You may be pleased to pronounce a judgment. But at least somebody in the House must see. After all what is this House for? What is the purpose of article 3 of the Constitution, if nobody in this House is going to look into the matter?

Mr. Deputy-Speaker: Just as Pandit Thakur Das Bhargava has taken so much pains to study this matter, the others also might have tried to get those plans or maps and tried to study. If they were interested in going into these matters, they might also have got copies of those plans and looked into them.

Pandit Thakur Das Bhargava: Am I to understand that this House is not interested in finding out the truth?

Mr. Deputy-Speaker: Not perhaps as much as the hon Member wants to.

Pandit Thakur Das Bhargava: There is no question of 'as much as' here. There are no compartments or divisions, as far as truth is concerned.

Anyhow, I would submit, that since you have been pleased to call for the maps, it is but fair that we ought to wait until the maps come, and until then we ought not to decide the fate of this Bill. This is one part of the case. At the same time, we should also be furnished with the memoranda, at least those memoranda which you are pleased to allow and which you do not hold to be confidential. I submit that those two memoranda placed

[Pundit Thakur Das Bhargava]

before Government are not confidential, and they should be furnished. Until that is done, we ought not to pass this Bill.

Now, I come to the other part of my case. As for the census figures, I have already submitted the case for your consideration. In a boundary dispute, these figures are very essential.

A very great plea has been made, and in fact, a very great appeal has been made to us by the hon. Minister and some hon. Members also feel the same way, that for several years these areas which are going to be transferred have been neglected. But neglected by whom? They have been neglected by Shri Sanjiva Reddi, on his own admission. Should Governments admit that they have been neglecting these areas? I am very sorry for them. But, at the same time, it is a fact that in this India of ours, there are governments and governments, especially those governments representing the linguistic majority groups which do not care for the minority linguistic groups to the same extent as they ought to. This is the admission that has been made. Let it be true. But let us go through that logically. My hon. friend wants to decide the whole thing today; and he does not want delay of even fifteen days; he does not want to wait for about a month and a half, that is, till the 1st of January next year; he wants to decide it today. Now, what will happen to those people for many decades or years to come, when their interests will not be looked after in the way in which they ought to be looked after if they are in a different State? Why are these people objecting to this? They are objecting to it because in the States in India, Government have created an atmosphere by their own actions where these States do not look at the different individuals living in the States with the same eye. That is the difficulty. I am afraid that by pursuing this policy, we are doing a

wrong thing, and we are just creating disunity in this country.

Regarding the census figures, I have already read out those figures. By just one stroke of the pen, Mr. Arpudanathan made a difference of 30,000 in the census figures of 1951. I showed you how a difference of 30,000 has been made in the population of these two linguistic groups; of course, it is all very easy to put some people here and some people there and thereby make this difference. But the difficulty is this. What is sacrosanct about the year 1951? The next census is coming in about a year's time. We find that in Kerala, in two month's time, a census of voters has been taken. So why not wait till we have a good census, so that the people may be happy and may think that Government are, as a matter of fact, doing justice to them? What is the point in sticking to the 1951 census figures? Again, what is the fun in getting a plan prepared on the basis of slips which are also incomplete? A map cannot be prepared on the basis of slips.

Therefore, my humble submission is that it is but fair that we should wait till 1960-61, or take a fresh census in these areas and then decide the question. As you have been pleased to hear, the principles themselves are really in a state of flux. The principles adumbrated by the States Reorganisation Commission may or may not apply to border disputes. I do not quite know. I do not want to make a commitment for my part also. I do not know what will be the right principles. But I do claim that whatever principles we decide upon in regard to border disputes must be applicable to the whole of India, and to every State.

Therefore my humble submission in this regard is that the hon. Minister may kindly accept this amendment and do justice, even according to the four principles on which they have agreed.

Then, it was asked, 'Why should we go into this? The two legislatures have agreed; the two Chief Ministers have agreed. Why should we go into this? When two parties agree and they say that they agree, what is the use of going into the question?'. I am extremely sorry for my hon. friend, when I differ from him. I pointed out earlier that out of ten members of Andhra Assembly who took part in the debate, eight of them spoke against this award in the Andhra Pradesh Legislative Assembly. The reports are here, and I am prepared to sit with my hon. friend and give him the full names.

Shri Datar: That is entirely wrong.

Pandit Thakur Das Bhargava: I have got their names here, but it will take some time for me to read them out.

Today, something has been read out, a new document; I would not say that my hon. friend has invented it from somewhere; Shri Gopala Reddy has sent it, and my hon. friend has produced it here. But I may point out that Shri Gopala Reddy was a Member of that Assembly; and I rely on his speech in the Assembly to prove my case. If you read his speech in the Assembly, you will find that he has said that without their consent, the Chief Minister had adopted those four principles, and he had no right to do so. He said that great injustice had been done; he said that the population figures were wrong. He had also pointed out that contiguity was not there. All these points had been stated by him in the Assembly. Today, my hon. friend reads out a letter from him dated the 19th November, 1950, that is, a letter which has been written after the proceedings began here. I have got the statement of Shri Gopala Reddy in my hand here. Since you have been pleased to ask the Home Minister to put his letter in the library, I beg that this statement of Shri Gopala Reddy which was submitted by him to the Chief Minister might also be placed in the library, so that people might compare and see

what is being done. I shall rather stand by what Shri Gopala Reddy said in the Assembly and this statement. As a matter of fact, I have perused the whole thing very carefully; I studied the whole thing with a view to finding out whether whatever he says is right or wrong, and I find that whatever he has stated is right. Therefore, to say now that the legislature has agreed is not fair.

When my hon. friend is the Home Minister, and when Ministers like him are governing this country, can I disregard what he says? He is too powerful for any Member of any party, in fact. Of course, I myself will abide by what he says; I confess it. Whatever the party says, I am also going to abide by. So, whether the hon. Minister says right or wrong, I am going to accept it. That is a good thing, because we honour our Ministers, we honour our leaders, and we have faith in them. But at the same time, this blind faith will kill the whole of India; and this blind faith in Shri Sanjiva Reddy will not in my humble opinion do justice to the thousands of people who live in this country.

In fact, this particular member, Shri Gopala Reddy, moved an amendment in the Assembly. What was his amendment in Assembly? He wanted that this Bill should be postponed. That was his amendment. And yet, my hon. friend comes forward and tells me and gives the lie to me and says that my reading of the reports is not correct. Out of the members, eight members just condemned the report and criticised it. Am I not correct in saying that when a person is shoe-beating, he is shoe-beating? What is the point in saying that there is no shoe-beating, and that there is no case under section 323 of the IPC, though shoe-beating is going on? Eight out of ten members have gone on criticising the report, and yet my hon. friend says that they have approved of the Bill. Sir, you can yourself see that the fact is just the reverse.

[Pandit Thakur Das Bhargava]

I may humbly submit that it is those persons whose fate is being affected, who should be consulted. What did they say? What did Shri Pataskar say? My hon. friend has said that Shri Sanjiva Reddi came to the hon. Prime Minister and said that he accepted this Bill. This was what he said. I also came to know of it. For, I understand that the matter was carried to the hon. Prime Minister. When I used the word 'duress', I corrected myself then and there, and said that the duress was not physical, but it was mental.

Then, my hon. friend says that Shri Sanjiva Reddi never said that he did not accept these principles. Look at this award. I cannot take away this award. In this award, it is stated several times by Shri Pataskar himself that the Andhra Pradesh Government said that they did not want to accept these four principles but that they wanted to be governed by the principles formulated by the States Reorganisation Commission. Shri Pataskar has stated this not once but several times. When I make a statement basing it on this award, do you believe the award or do you believe me? It is given there in this award that he took up this stand.

Shri Datar: I am afraid that that is inaccurate. In the award, there is no reference to Shri Sanjiva Reddi's alleged stand. My hon. friend may read the award again. I would not like to contradict him, but let him not make such a statement.

Pandit Thakur Das Bhargava: Since my hon. friend wants me to read the award, I shall do so, but I shall take some time to get at those portions.

Shri Datar: He can show those portions to me afterwards. I have no objection.

Mr. Deputy-Speaker: He can show those portions afterwards, when we come to the next clause. Meanwhile, he might look into the matter.

Pandit Thakur Das Bhargava: I shall leave it to you or to anybody else to see whether it is there stated in the award or not that the Andhra Pradesh Government did not want to accept these principles, but they wanted the reverse of those principles, that is, the principles formulated by the States Reorganisation Commission. If this statement is found there, I hope my hon. friend will certainly admit that what I am stating is correct.

My hon. friend was pleased to say that justice has been done to these people, and throughout these six long years, these people have not been agitating at all. Now, so far as the agitation is concerned, that will also be proved by the statement in the award itself, as to how many persons came to see Shri Pataskar, and placed before him representations etc. In fact, there was even an association which gave a very big representation, in which all the figures were also given, in fact, it is from that that I have read out to this House the various figures in order to show that between the 1931 and 1951-census, there was such a disparity in the population of these two groups, that it appeared rather that the Andhras had adopted birth control, and very strict birth control at that, and they ceased bearing children, whereas the Tamils were very prolific. That was what I said then. I need not dilate upon it now. It only shows that the census figures are not correct. There has been even a petition, petition No. 35 which was circulated by the Petitions Committee, in regard to those census figures. It would have been better if my hon. friend had referred to this in his reply and answered the point. Since he has not, I think there is no reply with him.

Since the census figures of 1951 are not correct, we should revert to the previous census or have a new census. My hon. friend said: 'All right. If the third principle was not followed, the fourth principle, which is very important, had been followed'. What is the

fourth principle? That is about natural boundaries and economic advantages. What is the position with regard to economic advantages? I submit for your consideration last time that there was one project called Araniyar project with 33 villages irrigated by it. 13 of these have been allowed to remain with Andhra and 20 have been given over to Madras. Why? The fourth principle was that if there was any project, the villages connected with it were also part of it. But still 20 villages are with Madras and they have not been given to Andhra.

Then, may I ask, why have villages Nos. 45 and 60 not been given to Andhra? There is a big river and a by-road there. Those villages ought to have been given to Andhra.

So not one principle is followed. The census principle is not right because the census figures are not correct, leaving aside the question of 51 per cent.

Again, what about the hamlets? Whereas hamlets in one area were considered, hamlets in the others were not. Then what about uninhabited villages? There is no question of population figures there, nor of a majority of Telugu-speaking or Tamil-speaking persons. The uninhabited villages should have gone only to one State and one only, namely, Andhra. But they have been given to Madras—many of them. Even contiguity has been got established by the existence of these villages. When there is no population, how could there be contiguity?

So not one principle has been followed, neither the four separately nor the whole completely. I have certainly got sympathy with the hon. Minister because he says that the Chief Ministers have agreed and the Legislatures have approved. What more are we to do? May I submit to him: are we not here to do our duty? Are we here simply to say 'yes' and nothing else? If there was a single authority or a single principle which was followed, I would have readily

agreed. I do not want these areas to suffer. I do not want that the people there should suffer. They should be given full satisfaction. We are living in India. This Government and this Parliament owe a duty to these people, to do justice to them. If we simply set our seal of approval to this Bill, it will mean that we have abdicated our duty. It is true that the Chief Ministers and the State Legislatures should be consulted. But I do not agree with his contention that the utmost importance should be given to what they say. The utmost importance should be given to the wishes of the people concerned. This is the procedure in a democratic State.

Shri Narasimhan (Krishnagiri): Who else can be their spokesmen?

Shri N. R. Muniswamy: The people are represented by their own Chief Ministers.

Pandit Thakur Das Bhargava: My hon. friend from behind says that each State is represented by the Chief Minister. He is entirely wrong.

Mr. Deputy-Speaker: There is also a question from the front asking who should be the spokesman of the people.

Pandit Thakur Das Bhargava: If we believe in our Constitution, the Ministers have got a certain legal status and the Chief Ministers have not got a better status than that, even if they are supported by their respective Legislatures. I can understand it if the Legislature was consulted before these principles were agreed to. The Legislature was never consulted before they agreed to these principles. As a matter of fact, when I am elected by my constituency, I know that in certain matters alone I have the power to represent them, not in all matters. If I go and arrange the betrothal of the son of a person living in my constituency, I do not think I will be within my rights as a representative of that constituency. What does it matter if the Chief Ministers have agreed? This is a crucial matter. It can only be decided by Parliament. This matter is not within the province of any Minister. So the Minister or

[Pandit Thakur Das Bhargava]

Chief Minister or even the representative of the constituency here has got no more right to barter away the liberties and the rights of the people than any other person has got. As a matter of fact, if any person was to be heard, the letter sent by Shri Gopala Reddi on the 19th November and the speeches he made are there. After all, the Minister is not the representative of the constituency. Our Speaker is the representative of that constituency in Parliament. But he is keeping mum. The Chief Minister can only represent them in regard to matters in which the State has power under article 162, in which the State can make laws, to which the executive power of the State extends. I have already referred to articles 162 and 73 of the Constitution which show that the power of the Executive does not extend beyond those matters contained in the State List and the Concurrent List. These matters are not within the scope of those Lists. Therefore, the Chief Minister or any Minister or any person has no more right to decide than any other person. As I am submitting, as a matter of fact, the Chief Minister had no right to make this decision.

My observations, as you have been pleased to say, are two-fold. The first one is: do not accept the principles settled by Chief Ministers; go by the SBC principles, which have been universally accepted. If you do not accept it, revert to the status quo. At least, for God's sake, if you accept these four principles, abide by or work according to those four principles. If you bid good-bye to those principles, where am I to stand? Therefore, I am helpless. As a matter of fact, I take my stand on the plea: all right, accept the stand which my hon. friend has taken and accept those four principles and decide the matter. As I submitted, a Committee should have gone into it. I wanted that the most respectable person of this House ought to go into it or at least look into it, which also, I am

very sorry to say, has not been allowed. At the same time, as regards the representative character of the hon. the Chief Minister, I am submitting that only in regard to State matters he has the power to agree to or accept things.

Mr. Deputy-Speaker: If the hon. Member wants me particularly to go into those maps, I am prepared to go into the Central Hall after putting a Chairman here in the Chair. We can discuss them there. But sitting here, I should not entrust myself with those documents and other things. I differentiated my position from that of the presiding officer of a court and said that this would be no job of the presiding officer here who was only to listen, regulate the debate and then pronounce the decision of the House.

Shri N. R. Muniswamy: On a point of information.

Mr Deputy-Speaker: Is the hon. Member yielding?

Pandit Thakur Das Bhargava: My hon. friend, the Home Minister, has told me how to behave in this House by behaving in a particular manner towards me. I do not want to yield, as he did not yield.

Mr. Deputy-Speaker: But this might be carried further and in spite of the Chair's request, Members might not sit down.

Pandit Thakur Das Bhargava: I will certainly sit down even if my hon. friend wants me to yield.

Shri N. R. Muniswamy: I wish to say a few words.

Mr. Deputy-Speaker: After the hon. Member has finished.

Shri N. R. Muniswamy: He has concluded.

Pandit Thakur Das Bhargava: I have not finished. I thought the hon. Member was intervening and wanted to say something.

Mr. Deputy-Speaker: There is one thing that I must bring to the notice

of the hon. Member. We had allotted one hour for the second reading. It was a decision of the House which, I am sure, Pandit Thakur Das Bhargava would be more ready to abide by than anybody else. Therefore, that must be taken into consideration. If ultimately, the whole thing is to be put by me to the vote of the House at once, then too there would be objection. Therefore, a proportion should be kept so far as the clauses are concerned.

Pandit Thakur Das Bhargava: I am not going to take more time than you wish me to take. I have said enough. I do not want to say more. At the same time I want to say the arguments that my friend has advanced are not convincing and he has also not been pleased to meet my arguments. He tried to meet some but brushed aside the others with indifference or contempt. My only plea—as you were pleased to observe—is that you can come to the Central Hall and it will not take more than ten minutes. I will be more than content with it. I do not think that you are only here to regulate the debate. You are here for many other purposes . .

Mr. Deputy-Speaker: That was my view.

Pandit Thakur Das Bhargava: The country is of utmost importance. Supposing you give a sort of an opinion, it is entitled to the greatest weight from Members as well as the Parties. I do not want to force you to express an opinion. I shall be content if even the hon. Home Minister for whom I have the highest respect looks at this. Let him come and spend ten minutes. He will know that these four principles have not been accepted. I am not fighting for the principles at all. The principles were given by our Prime Minister on more than one occasion. I accept what the hon. Prime Minister says in letter and in spirit. These border questions should be decided according to the general wishes of the persons concerned. That was the principle even when Andhra Pradesh was established. Our hon. Prime

Minister said that Andhra should be established with the consent of Madras. In this SRC report, there are quotations from his speech. In this case the wishes of these people have not been consulted; on the contrary they have been ignored. People have gone to Shri Pataskar and made representations. People complained to him. But he would not hear them. They gave out all these arguments which I am giving. All these 82 dislocations were pointed out to him. He would not go for an on-the-spot study and find out things for himself. Now, when so many villages are going away, I will request that this question may be looked into here in this Parliament by some responsible person. I am very sorry that after my spending so much time, I have not been given that satisfaction. If the hon. Home Minister or you have seen it, at least this would have brought this out. It is a mediation report and we may not accept it if there is a mistake. If we feel that there is a mistake on principles of justice and also on facts, we may not accept it.

Shri N. R. Muniswamy: Sir, the terms in which the proviso is sought to be introduced by way of an amendment by Pandit Bhargava have no foundations at all. The four principles enunciated have been made applicable for all the areas but he wants to introduce a new idea now by his amendment, bringing in the new census of 1960-61 or a special census for this purpose. He has raised a new point for the first time and it will disturb the entire scheme adopted by Shri Pataskar. The two legislatures also have adopted certain formulae. These things have all been worked out carefully and meticulously. Pandit Thakur Das Bhargava wants that all these things should be reopened and it would mean that the entire set-up would crumble. It is not going to help the two States or even the people living in those areas.

Mr. Deputy-Speaker: All these arguments have been advanced already.

Shri N. E. Muniswamy: I am quite aware of that, Sir, but I have to reply to that point because it will go unanswered.

Mr. Deputy-Speaker: He has also said that he said enough.

Shri N. E. Muniswamy: He introduced a new thing and it should be rejected forthwith.

Shri Datar: Sir, I shall be very brief. My friend complained that he was not heard or his arguments were not fully listened to by others. He wanted us to look at the maps in his presence and hear his arguments. I would not like to make a reference to what has happened outside. Before this Bill was taken up Pandit Thakur Das Bhargava, myself and the hon. Home Minister sat together for more than one hour and we heard him completely and we also told him what we had to say. Therefore, he should not nurse a grievance on the ground that he has not been heard by anybody at all.

Pandit Thakur Das Bhargava: I never thought that he would refer to things which were extraneous. If I am also allowed to make a reference, I would have said many things.

Mr. Deputy-Speaker: Then his grievance remains against me only!

Shri Datar: So, all of us sat for more than one hour. I was surprised at his argument that the census figures were wrong. This was a new argument and I wish that he had not used new arguments as he went on. My friend needlessly brought in an officer, Mr. Aruppanathan. He is an officer of the Government of India, Superintendent of Census Operations. He was not an officer of the Madras Government.

Shri N. E. Muniswamy: His name is Aruppanathan—not Aruppanathan.

Shri Datar: I think he is the officer referred to by Pandit Bhargava. He read from this book which is known as the Census of India—Chittoor District.

Mr. Deputy-Speaker: He told us of some officer whose name signified working wonders and therefore, he argued that he had worked wonders.

Shri Datar: Anyway, it was rather inappropriate for him to have made reference to an officer by name.

Then he said something about the irrigation projects. The Arniyar project has been transferred to Andhra from Madras and Shri Patasakar himself says that in those 34 villages there are both Telugu and Tamil people and they will get the benefit of this irrigation scheme and so the villages which get the benefit out of it will now be in the same State of Andhra again, so far as the State Assemblies are concerned, I may repeat that they wanted some more portion from Hosur and Krishnagiri and they did not object to the award as it was. They wanted something more.

Lastly, I do not know whether this particular amendment is in order. He could not point out which particular village was wrongly included and this provision practically takes away the whole effect of the Bill because it proceeds on the assumption that we have proceeded wrongly. I do not want to raise this technical objection only but I do feel that this amendment is out of place.

Mr. Deputy-Speaker: Now, there is one thing that I must answer. Pandit Thakur Das Bhargava claimed that it was only in the case of Rule 368 that a Minister could claim privilege and say that it could not be produced where he had quoted from a document. He interpreted that rule to the effect that a Minister could claim privilege from making a document public in case he quoted from it and if a Member or the House asked him to produce it.

Pandit Thakur Das Bhargava: On the contrary, I submitted that these two documents should be produced here.

Mr. Deputy-Speaker: I am coming to that. Suppose he does not quote from that at all and a demand is made

that the document should be produced. Then, I think there is greater ground for the Minister if he claims privilege in this case and the Chairman or the Presiding Officer could not interfere and rule as he wants

Now, I quote a previous decision of the hon. Speaker. It was on the occasion when the President's proclamation was being discussed here Shri V. P. Nayar asked for the report of the Governor to be produced here. The Speaker gave the ruling on that occasion. There was a motion that it was a case of breach of privilege on the part of the Government since they did not produce that document when Shri Nayar asked for its production. Then the Speaker remarked

"I have been anxious to see whether a *prima facie* case has been made out. Therefore, at the outset, I said that it must be shown to me first of all that there is an obligation cast upon the Home Minister to place the document on the Table of the House whether an individual Member asks for it or whether the whole House collectively asks for it. I will assume that not merely Shri Nayar but the whole House asks for the production of this document. If the hon. Minister cannot withhold it and if he is bound to place it on the Table of the House then if he refuses to do so certainly, there would be a breach of privilege."

Then, the hon. Speaker went on to say

"So far as that matter is concerned, Shri Nayar who tabled this motion mentioned Rule 368 of our Rules of Procedure which lays down that even in cases where a Member refers to a particular document and reads it out in the House, ultimately when the House insists upon its being placed on the Table of the House, it is open to the Minister to say that in public interest he is not placing it on the Table of the House. That is

the clear wording of Rule 368. It does not admit of any doubt so far as that matter is concerned."

I shall put amendment No. 6 to the vote. The question is—

Page 2,—

after line 28, add—

"Provided that territories as have been wrongly included in the report of the mediator (Hon'ble Shri Pataskar Ji) on the basis of the Madras Plan to the Madras and Andhra Pradesh States shall not be included in the respective States as are found to be such as according to the four principles accepted by the two States cannot be included on the basis of the Survey Plan of 1957-58 and the new Census of 1960-61 or a Census specially taken for these areas."

The motion was negatived

Mr. Deputy-Speaker: The question is

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

Clause 4 was added to the Bill

Clause 5—(Changes of territorial divisions in Madras)

Shri N. R. Muniswamy: I beg to move

Page 3, line 15, for "Chingleput", substitute "North Arcot"

I wish to say a few words

Mr. Deputy-Speaker: He has already referred to this aspect in his speech

Shri N. R. Muniswamy: I have not referred to it, Sir. I shall make the position clear by first referring to the clause

Mr. Deputy-Speaker: In his speech for consideration of the Bill, he argued that matter. It need not be reopened at this stage.

Shri N. R. Muniswamy: So far as this particular aspect is concerned, I have not referred to it in my speech. Sub-clause (2) of clause 5 says:

"The territories specified in Parts I and II of the Second Schedule shall be included in and form a separate taluk to be known as Tiruttani taluk of Chingleput district, " etc

I only want the words "North Arcot" to be substituted for the word "Chingleput". The reasons are these. Shri Pataskar himself has said in his award thus. Unfortunately, there is no paragraph number given in his report. What he says is this:

"The border, therefore, between Andhra and Madras will now run between the hill and village No 120 and will be the same as the present border of Tiruttani taluk up to the southern end of village No 85."

This is at page 21 of the report. Then, it goes on:

"The rest of Tiruttani taluk, being contiguous to Arkonam and Walajapet in Madras State, should be included in the State of Madras."

These areas concerned are in the North Arcot district. They are contiguous only to North Arcot. The report says:

"There is a group of Telugu villages in the middle of the Tiruttani taluk, but being a pocket, the area covered by these villages will naturally go to Madras."

What I want to emphasise is that the Tiruttani taluk is more contiguous to North Arcot district and not to Chingleput district. As it is, it looks as though they create something like a balloon and pierce Chingleput into Tiruttani with a mouth of three or four miles width. Four miles are taken up as a link and the areas are pierced into the Tiruttani taluk and make the area bulge out. So, instead of doing this, what I want to suggest

is, the rest of the area of Tiruttani should be added to North Arcot district instead of the Chingleput district. Shri Pataskar himself has said that this area is contiguous to North Arcot. I would appeal to the hon. Minister and this House to accept my amendment.

Shri Datar: This question was considered by the Madras Government and also the Madras Legislature. This is a particular area to which the hon. Member refers as being contiguous or nearer to North Arcot. But the point has already been considered by the Madras Legislature. It is near to Chingleput according to the discussions in the Madras Legislature. It is not possible to accept this amendment.

Mr Deputy-Speaker: The question is

Page 3, line 15, for "Chingleput", substitute "North Arcot".

The motion was negatived.

Mr. Deputy Speaker: The question is

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 17 were added to the Bill.

Clause 18—(Extension of jurisdiction of, and transfer of proceedings to, Andhra Pradesh High Court)

Shri Datar: So far as clause 18 is concerned, my hon friend has tabled an amendment the substance of which I accept. Inasmuch as it has not been properly worded, I shall move my amendment which will exactly meet with his desire. I beg to move

Page 7,—

after line 16, add—

"(5) Subject to any rule made or direction given by the High Court of Andhra Pradesh, any such person who immediately

before the appointed day is an advocate entitled to practise in the High Court at Madras as may be specified in this behalf by the Chief Justice of the High Court of Andhra Pradesh having regard to the transfer of territories from the State of Madras to the State of Andhra Pradesh, shall be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh."

Shri N. R. Muniswamy: There is no difference at all. It is the same thing as I have stated.

Shri Datar: It is slightly changed.

Mr. Deputy-Speaker: The hon Member could claim credit that his amendment was being accepted. The question is

Page 7,—

after line 16, add—

"(5) Subject to any rule made or direction given by the High Court of Andhra Pradesh, any such person who immediately before the appointed day is an advocate entitled to practise in the High Court at Madras as may be specified in this behalf by the Chief Justice of the High Court of Andhra Pradesh having regard to the transfer of territories from the State of Madras to the State of Andhra Pradesh, shall be recognised as an advocate entitled to practise in the High Court of Andhra Pradesh."

The motion was adopted.

Mr. Deputy-Speaker: The question is—

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19— (Extension of jurisdiction of, and transfer of proceedings to, Madras High Court)

Amendment made.

Page 8,—

after line 11, add—

"(5) Subject to any rule made or direction given by the High Court at Madras, any such person who immediately before the appointed day is an advocate entitled to practise in the High Court of Andhra Pradesh as may be specified in this behalf by the Chief Justice of the High Court at Madras having regard to the transfer of territories from the State of Andhra Pradesh to the State of Madras, shall be recognised as an advocate entitled to practise in the High Court at Madras."

—[**Shri Datar**]

Mr. Deputy-Speaker: The question is

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 to 54 were added to the Bill.

(The Schedules)

Pandit Thakur Das Bhargava rose—

Mr. Deputy-Speaker: It is 3 O'clock, I have exceeded my powers. Even after the decision of the House to extend the time by two hours, I have exercised my discretion and used that one hour also in addition. Anyhow, Pandit Thakur Das Bhargava may make a brief speech.

Pandit Thakur Das Bhargava: I only wanted your permission to move my amendments and make a short speech thereon. I beg to move

(1) Page 23,—

after line 28, add—

"Part III All the villages of the Madras State which are irrigated by the Arniar Project."

[Pandit Thakur Das Bhargava]

(ii) Pages 24 to 32,—

In Part I of the Second Schedule, omit the following Census Code Nos and the respective villages —

"10, 11, 13, 14, 15, 19, 21, 25, 26, 28, 29, 50, 53, 54, 55, 58, 59, 63, 64, 65, 66, 70, 79, 81, 83, 84, 85, 86, 87, 88, 89, 90, 97, 99, 100, 101, 102, 103, 104, 109, 110, 112, 120, 123, 124, 127, 128, 135, 136, 138, 139, 140, 141, 142, 143, 146, 147, 148, 162, 163, 164, 165, 169, 175, 176, 178, 180, 181, 182, 183, 184, 185, 186, 196, 198, 200, 201, 203, 204, 207, 211, 212, 214, 215, 216, 221, 222, 226, 229, 233, 234, 235, 248, 249, 250, 251, 252, 255, 256, 258, 259, 279, 282, 283, 284, 285, 289, 292, 300, 301, 316"

(iii) Pages 33 and 34,—

In Part II of the Second Schedule, omit the following Census Code Nos and the respective villages —

"92, 130, 131, 132, 290, 306, 331"

I only want to mention the numbers of the villages retained in Andhra. The villages 64, 55, 65, 66, 53, 54 are contiguous to village No 62 retained in Andhra. Villages Nos 196, 200, 175, 198, 226, 201, 176, 178, are contiguous to villages 195 and 134 retained in Andhra. Village No 292 which is contiguous to village No 274, retained in Andhra. Village Nos 101, 102, 81, 104, 103, 99, 97, 142, 136, 85, 86, 120, 84, 83, 58 and 59 are contiguous to each other, to village No 80 and 96 retained in Andhra. The villages Nos 11, 19 and 21 contiguous to village Nos 3 and 4 retained in Andhra. The villages Nos 130, 131 and 132 contiguous to village No 93 retained in Andhra. The villages Nos 70, 90, 87, 88, 89, 127, 147, 146, 148, 165, 185, 215, 216, 258, 256, 259, 255, 203, 285, 284, 283, 279, 183, 184, 180, 181, 182, 143, 233, 234, 252, 250, 251, 212, 235, 211, 214, 140, 164, 163, 162, 139, 138, 141 and 135 are contiguous to each other and to village No 135 of Puttur taluk retained in Andhra. The villages Nos 204 and 207 contiguous to villages Nos

96 and 98 retained in Andhra. The villages Nos 15, 14, 13, 25 and 26 of Tiruttani taluk are contiguous to villages No 133 and 80 of Puttur taluk retained in Andhra.

15 hrs.

The following villages are pockets to Andhra area which are to be omitted in the Parts I and II of the Second Schedule. Villages Nos 63 and 79—pockets to Telugu majority villages Nos 119, 80, 62, 64 and 66. Village No 139—pocket to Telugu villages Nos 141, 138, 214 and 140. Village No 148 is pocket to Telugu majority villages Nos 146, 147, 184 and 185. Village No 97 is pocket to Telugu majority villages Nos. 102, 81, 104, 120 and 96. Village No 101 is pocket to Telugu majority villages Nos 102, 81, 104 and 103.

Uninhabited villages have been transferred to Madras State for which no principle has been accepted. Hence the following villages have to be omitted from Parts I and II of the Second Schedule. Villages Nos 25, 26, 28, 29, 50, 53, 92, 109, 110, 112, 120, 123, 124, 128, 142, 143, 146, 162, 165, 169, 175, 176, 178, 185, 186, 203, 204, 221, 222, 226, 229, 233, 235, 248, 249, 255, 282, 289, 290, 300, 306, 316 and 331.

Apart from these four principles, there is a fifth principle also. It was submitted by Andhra Government and accepted by the Madras Government that in a village where three languages are spoken, the third language group is to be ignored and out of the two language groups, viz., Tamil and Telugu, whichever is in majority shall decide whether the village should go to Madras or Andhra. This principle has also been contravened in respect of villages Nos 10, 87 and 184. On the contrary, Mr Pa'askar, as a matter of fact, did not arbitrate in regard to areas which are trilingual, though the principle had been accepted by both Governments. He rejected all the four principles and it should be said to the credit of Mr Pa'askar that he rejected this fifth principle also.

1239 *Andhra Pradesh AGRAHAYANA 2, 1881 (SAKA)* *Indian Penal 1240*
and Madras *Code (Amendment)*
(Alteration of *Bill*
Boundaries) Bill

I, therefore, submit that my amendments may be accepted and justice done

Mr Deputy-Speaker: I will put amendment No 10 to the House The question is

Page 23,—

after line 28, add—

"Part III. All the villages of the Madras State which are irrigated by the Arniar Project"

The motion was negatived

Mr. Deputy-Speaker: The question is

"That the First Schedule stand part of the Bill"

The motion was adopted

The First Schedule was added to the Bill

Mr. Deputy-Speaker. I will now put amendments Nos 11 and 12 to the Second Schedule

The question is

Pages 24 to 32,—

In Part I of the Second Schedule, omit the following Census Code Nos and the respective villages —

"10, 11, 13, 14, 15 19 21, 25, 26
 28, 29, 50, 53, 54, 55, 58 59, 63, 64,
 65, 66, 70, 79, 81, 83, 84, 85, 86, 87,
 88, 89, 90, 97, 99, 100, 101, 102
 103, 104, 109, 110, 112, 120 123
 124, 127, 128, 135, 136, 138, 139,
 140, 141, 142, 143, 146, 147, 149,
 162, 163, 164, 165, 169, 175, 176,
 178, 180, 181, 182, 183, 184, 185,
 186, 196, 198, 200, 201, 203, 204,
 207, 211, 212, 214, 215, 216, 221,
 222, 226, 229, 233, 234, 235, 248,
 249, 250, 251, 252, 255, 256, 258
 259, 279, 282, 283, 284, 285, 289,
 292, 300, 301, 316."

The motion was negatived.

Mr. Deputy-Speaker: The question is

Pages 33 and 34,—

In Part II of the Second Schedule, omit the following Census Code Nos. and the respective villages —

"92, 130, 131, 132, 290, 306, 331."

The motion was negatived

Mr. Deputy-Speaker The question is

"That the Second Schedule stand part of the Bill"

The motion was adopted

The Second Schedule was added to the Bill

The Third Schedule, the Fourth Schedule, the Fifth Schedule, the Sixth Schedule, Clause 1 the Enacting Formula and the Long Title were added to the Bill

Shri Datar: I beg to move.

"That the Bill, as amended, be passed"

Mr Deputy-Speaker: The question is

"That the Bill, as amended, be passed"

The motion was adopted

15 06 hrs

INDIAN PENAL CODE (AMENDMENT) BILL

The Deputy Minister of Home Affairs (Shrimati Alva): I beg to move

"That the Bill further to amend the Indian Penal Code be taken into consideration"

This amending Bill has become necessary because the provisions in the Indian Penal Code were not found adequate enough to eradicate effectively the evil of kidnapping of children and exploiting them for the purpose of begging, inflicting cruelty of a severe nature etc So, the Indian Penal Code

[Shrimati Alva]

is being amended by this measure. The Bill makes kidnapping or obtaining custody of a minor and the maiming of a minor for employing him for begging and making him an object of pity specific offences punishable with deterrent punishment. So, we hope that after this provision is incorporated in the Indian Penal Code, there will be a salutary effect on society.

Cruelty to children, especially by kidnappers and by those persons who make them objects of pity by maiming them, blinding them, breaking their bones, and such things have been happening in the country. So, we have been perforce compelled to resort to this measure. Many questions have been asked in Parliament about kidnapping and the gangs operating in the country and there has been a consciousness in the country as well as at the governmental level.

Therefore, a conference of Deputy-Inspectors General of Police, CID, was held in 1956 for examining this matter and for suggesting measures to be adopted and incorporated in our common law to prevent this type of exploitation of little children. It was decided that a census should be conducted through the police about the number of such children. A sub-committee was appointed consisting of a few Deputy Inspectors-General, CID. They conducted a brief census and submitted a report to the Home Ministry. The various State Governments were informed and their opinions were taken. In their opinion, they thought some kind of measure should be brought into force. So, this Bill was drafted. Members of the public, Members of Parliament, various State Governments as well as the sub-committee of Deputy Inspectors-General were of the opinion that a draft Bill should be prepared providing for deterrent punishment being meted out.

This Bill was drafted because it was found through the report of the sub-committee that a most disturbing state of affairs prevailed, with gangs of pro-

fessional kidnappers existing in many parts of the country. They steal children from the possession of parents and guardians and inflict untold cruelties on them. Some instances have come to our notice in which cruelties are so blood-curdling even to narrate, like extracting the eyes of children and making them blind for the purpose of making them objects of pity, breaking their bones, etc. A case in point is that of a gang who lifted a three-year old girl from a railway station, broke her legs and arms, blinded her by poking fingers into her eyes and thus made her an object of pity. Such inhuman atrocities committed by an adult on a young child unable to defend itself have made public opinion so strong that this measure has become absolutely necessary. This is rather late and not early. We started the investigations in 1956. And we have been able to bring this measure before this House after complete and careful investigation at every level—at the State level as well as the Central level.

There are several causes why the children are exploited and in those cases the children become victims in the hands of unscrupulous people. The causes, in some cases, are parental disharmony, poverty, absence of a proper home and family atmosphere, delinquent traits etc. And when the children fall into the hands of these evil-doers, these cruel people who earn their living out of these children inflict untold hardship on them and maim them so that they could make a means of livelihood by carrying these children and exciting the pity of those who are prone to give alms in our streets and market places.

A deterrent punishment has been added by this measure for this offence, with which the States have concurred. Now whoever maims a child is punishable with imprisonment for a term not exceeding ten years and also a fine. This is much more than what the Indian Penal Code has provided. The Central Social Welfare Board has been consulted, and their opinion conforms

to the measure that we are now discussing here

Another salient feature of this Bill is that we have incorporated in it a provision that even a guardian who lends his child for the purpose of being exploited for the purpose of beggary is not pardoned or excused. Then, if a person, not being the lawful custodian, is using the child for begging, the onus of proof of innocence is on the accused. This is another provision that we have incorporated in the Bill by which the child is protected at every level.

I hope that this Bill will be passed in this House without any dissenting voice so that this provision is incorporated in the Indian Penal Code by which we shall be able to do something for these children. Every now and then we read cases of kidnapping. Recently it was reported in the press that some child was kidnapped, somebody saw it, the gunny bag was thrown away and the child came out of the bag. These things are happening in a country which is fast developing into a welfare State. Very quick and deterrent action is necessary to prevent all these anti-social activities. It is much more than something anti-social, it is criminal of the worst degree, and I think very deterrent punishment is necessary. Therefore, the definition of "begging" as well as the definition of "minor" are given here in detail. We have provided the ages of 16 for boys and 18 for girls.

I commend to this House the amending measure that we are bringing forward and I hope that Members will support this. Though it looks small in appearance, it has far-reaching consequences. Therefore, I commend it to the House and I hope the House will give consent to this Bill.

Mr. Deputy-Speaker: Motion moved

"That the Bill further to amend the Indian Penal Code be taken into consideration."

There are three amendments. There is one motion for circulation by Shri Naushir Bharucha. He is not in his seat. There is another one by Shri Naldurgkar and a third one by Shri S. M. Banerjee—one is for report by 15th December and another by 31st December. Both hon. Members can have an opportunity but we can have only one motion. Shri S. M. Banerjee also is not here. Therefore, Shri Naldurgkar will move his motion.

Shri Naldurgkar (Osmanabad): I beg to move

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1959."

Though I welcome the introduction of this Bill, I feel that it has been rather vaguely drafted. It requires some amendment so that the purposes of the Bill may be carried out. Therefore, I have moved my amendment that the Bill be circulated to elicit opinion thereon by a certain date so that we may have the opinions of the bars of various States.

15.15 hrs.

[**SRI BARMAN** in the Chair]

Now, kidnapping is already an offence under the Indian Penal Code. This is a specific section which makes kidnapping for the purpose of begging an offence. It reads

"Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed."

Here I want to point out one thing. Suppose a certain person who is not the lawful guardian obtains the custody of the minor from his lawful guardian. Is he to be punished for such custody? I think, this terminology is rather vague. It is the principle in the interpretation of the law, specially a penal law, that it should not be vague, because the provisions of that law are generally construed strictly.

An Hon. Member: How will you explain that it is vague?

Shri Naldurgkar: The words used are "obtain the custody of the minor". If a certain guardian gives the custody of the minor, that will be a defence to the accused. In joint family also, the karta or the manager of the joint family is generally considered the guardian of the minor. According to the Guardians and Wards Act, the father and mother of the minor are considered to be guardians. Therefore, it should be specifically mentioned here:

"or whoever being the lawful guardian wilfully gives or facilitates the custody of such minor to another".

These words must be added. Then the vagueness will be removed. Otherwise, he will plead before the court that as the guardian has given the custody of the minor, he is not guilty under this law. The present wording in clause 363A, "obtains the custody of the minor" is vague and it must be made more specific, and that can be done only by adding the words I have mentioned above. Then the section will read:

"Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, or whoever being the lawful guardian wilfully gives or facilitates the custody of such minor to another, in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

Then, in the Schedule appended to this Bill, the words used are:

"Kidnapping, or obtaining the custody of, a minor".

So, these words do not connote obtaining the illegal custody of the minor. Therefore, I am of the opinion that in order that "custody of the minor" should be an offence

under this new section, the section must be made more clarificatory on this matter, and even the guardian should be held liable under this Act. Therefore, unless these words are introduced and the clause amended, I am afraid, when the accused is on trial before the court, he will set up this matter on defence that he has obtained lawful custody from the lawful guardian.

Though I am welcoming this Bill, still I am of the opinion that the hon. Minister should consider this matter so that the accused will not henceforth put forward any defence which will frustrate the intention of this legislation.

Shri C. K. Bhattacharya (West Dinapur): May I make a submission. In this Bill, the age of the minor has been fixed at 16. A child has been defined as a minor when he is up to the age of 16. I suggest this age limit should be raised to 18, as under this Indian Majority Act . . .

Mr. Chairman: The hon. Member can make this suggestion when he is speaking on that. The amendment is also before the House. Now I shall call Shri Nathwani.

Shri Nathwani: (Sorath): Mr. Chairman, I rise to welcome and support this Bill. An enactment like this was long over-due and it is good that at least now we are in a position to consider a Bill like this. I cannot understand the purpose of my hon. friend, Shri Naldurgkar's motion for circulating it for eliciting public opinion because public opinion has already been clamouring for a provision like this particularly in view of the widespread practice of employing or using minors for begging and the widespread ill of maiming minor children with a view to incite pity. Therefore I do not see any reason why we should postpone its consideration and passing.

There is one anomaly which strikes me in this Bill. Whereas obtaining the custody of a minor for the purpose of his employment or use for begging is made an offence—and a

serious offence—the actual commission of the offence, namely, the employment or use of a minor for the purpose of begging, itself is not made an offence. I do not understand the reason why whereas the preparatory act, namely, obtaining the custody for an illegal purpose, that of using the minor for begging, is made an offence, the actual employment or use of such a minor by that person is not made an offence at all. I do not know whether there is any other Act, Central or Provincial, under which actual employment or use of a minor for the purpose of begging is made an offence. If it is not so, why is there this omission in this Bill? I would like this thing to be explained by the hon. Minister.

Shri Easwara Iyer (Trivandrum): It goes along with sub-section (3).

Shri Nathwani: Then one suggestion was made by my hon friend, Shri Naldurgkar. He said that the provisions of sub-clause (1) were rather vague and he wanted them to be amplified by adding some particular words. Perhaps he was referring to his amendment No. 12. I do not find him here. He said that unless those words were added it might furnish a defence to an accused person. He had in mind a case where a lawful guardian hands over the custody of his minor ward to some other person for this purpose. But even in this set of circumstances I cannot agree that it would furnish a defence to an accused person, that is, even if a father or a mother might be willing to hand over the custody of a minor to some other person. They might sell the child with a view to get some benefit though they know that the person purchasing would employ or use him for the purpose of begging. Still, the accused person would be guilty and the father, the mother or the lawful guardian, who hands over the custody of the minor will also be guilty of abetment and would be liable for the same kind of punishment. Therefore I do not see

any force in my hon. friend's argument that it should be amplified.

I also find one or two amendments seeking to add the word 'natural' after the words 'lawful guardian'. Of course, I anticipate that some hon. Member might ask for the introduction of this word after the words 'lawful guardian'. But there is no justification for introducing this word. The expression 'lawful guardian' would include natural guardians and therefore the words 'lawful guardian' are appropriate.

With these words, I support the Bill

Mr. Chairman: Shri Bhattacharya.

Shri Nathwani: Sir, may I say something before my hon. friend starts? Shri Bhattacharya suggested that the age of 16 shall be raised to 18. That might involve a further anomaly because if we look to the definition of the word 'minor' in section 361 of the Indian Penal Code, we find that a minor has been defined as one who is below the age of 16 in the case of a male and in the case of a female below the age of 18.

Shri Easwara Iyer: There is no definition of minor excepting in section relating to kidnapping.

Shri Nathwani: But if you see section . . .

Shri Easwara Iyer: This definition is for the purpose of that section alone.

Shri Nathwani: But here section 360A starts by saying, "Whoever kidnaps". You are by reference incorporating that section. Therefore the definition of the word 'minor' is nothing but what is already provided in section 361, which defines kidnapping.

Shri Easwara Iyer: But this relates to the custody of a minor

Shri Nathwani: But when you refer to section 360A through section

[Shri Nathwani]

361, certainly what is provided therein is incorporated. Therefore it cannot be amended in the manner in which it is sought to be done.

Shri C. K. Bhattacharya: My hon. friend, Shri Nathwani, was quite right in reminding me about the context in which the present Bill has come. My suggestion would be to amend the whole thing beginning from the context itself. Let us not have different types of minors for different types of legislation. Let there not be one type of minor for the Indian Majority Act and the Hindu Majority Act and another type of minor for the Indian Penal Code and for prevention of kidnapping. It should be one type. There should be one age fixed at which our boys get out of minority and reach their majority. That is why I am suggesting that the age of 16 fixed for the boys here should be raised to 18. Shri Nathwani has done a service in pointing out that not only this amendment but an amendment to the other section would also be necessary in order to fix the age of a minor at 18 for the purpose of the present Bill. That would be my suggestion and I believe the hon. Minister would be able to accept the suggestion, which I made also in the case of Arms Act when the age was fixed at 16. I suggested that the age ought to have been 18 so that the age of majority might be one and uniform throughout the country for all the purposes and for all the different legislations current in this country.

Shri L. Achaw Singh (Inner Manipur): Sir, this Bill makes kidnapping, obtaining custody of a minor and employing the minor for begging a specific offence. It also prescribes a deterrent punishment for the crime. It seeks to amend section 363 of the Indian Penal Code and it is quite natural. After Independence we have amended the Indian Penal Code in several ways. We have found that this particular crime has to be put down and the Government has got

full justification for amending this section.

Formerly the section on kidnapping used to deal only with the crime in general, but here we have to make it a special offence. The crime of kidnapping and abduction is a very complex and also a complicated one. The peculiarity of this crime is that many of the crimes are not reported and even if they are reported they are not recorded, because the Police is interested in a clean record and the actual extent of this crime has not been ascertained. It is very difficult also to ascertain it and to estimate the actual extent. Many children are sold to childless mothers and girls are also sold to brothel keepers, and in the dacoit-infested areas like Rajasthan, the children are kidnapped for ransom, and the people, instead of reporting to the police, would prefer to pay the ransom. So, most of these cases go unreported. In other areas many reported kidnappings and abductions are merely elopements. Yet, the most disquieting feature of this crime is that while other crimes like theft, robbery, dacoity and murder have shown a decline since 1952, kidnappings and abduction have increased from 5,000 to 6,000 during these years. That means that it is the only crime which has been increasing.

It is reported that in Rajasthan, West Bengal and Assam as well as in Delhi, the crime has shown a continuously rising trend. This is more or less due to several causes favourable to such crimes, but the most cruel and heinous crime is the kidnapping of children for employing them for begging and for other immoral purposes.

We are told that there is no specific provision for punishing these people and hence this measure.

In big cities like Calcutta, Bombay and Delhi, these gangs operate and after kidnapping the children, they maim them, they amputate them,

they break their bones, and we are also told that they hire these amputated, maimed children for begging. I had never heard of such crimes before coming to Delhi, and the first time I saw reports of such cases in the newspapers I was very much struck with wonder. This is very inhuman and revolting and a very cruel crime. In places like Manipur and NEFA we have not got the problem of begging. It is quite unknown in those parts. The maiming of these helpless and unprotected children is a very unchivalrous act and those who commit such a crime on the helpless and unprotected children and their abettors should be given the maximum punishment.

The term of imprisonment and fine provided in this Bill I find are quite inadequate. Some heavier punishment like capital sentence should have been provided to cope with the people who commit such crimes.

In the case of abduction and kidnapping of children for other purposes we find that the term of imprisonment and fine provided in the other sections of the Penal Code have not deterred them. So, if possible, we should provide heavier punishment for these criminals.

I would like to submit something about the root causes of these crimes. If we go deep into the matter we will find that the motives and causes of these crimes lie deeper. Economic factors play the most important part in the motivation of such crimes. Public opinion has, of course, risen to the occasion, but then public opinion is also very dull in the sense that in our society there are many other anti-social elements and persons who commit cheating, embezzlement and crimes like that, but they are not very much looked down upon. For example, there are cases of big business and a number of Government officers who have been brought to book for committing acts of corruption, but they enjoy a good position in our society. So, if we go to the

root of the matter, I submit that the act of begging should be practically banned. I have seen some countries where begging is practically banned, or at least they are very much discouraged, but here we have got a religious duty of giving alms to the people and if we ban begging altogether as well as alms-giving, this sort of crime can also be prevented. Otherwise, it will be very difficult. I submit the State should take charge of the disabled and the handicapped children, and there should be no cause for begging and alms-giving. I submit that the people who commit crimes like kidnapping are those who live on the exploitation of other people, and the sooner we eliminate them the better for the whole of our society and country.

With these words, I would like to support the Bill.

Shri Easwara Iyer: I am happy to find that a Bill of this nature has been introduced, particularly with the intention of preventing employment of children for the purpose of begging.

As I understand the Bill it consists of two parts. It creates offences relating to kidnapping of children for the purpose of employing them for begging, and also obtaining possession of children or minors for the purpose of employing them for begging, so that it consists of two distinct offences as I understand it.

I find that various criticisms have been levelled against the Bill by my friends on the other side and also by my hon. friend Shri Nathwani though he whole-heartedly welcomes the Bill. I do not find any objections regarding the drafting of the Bill. I feel it has been carefully drafted. On a reading of the Bill, we find that the proposed section 363A reads as under:

"Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such

[Shri Easwara Iyer]

minor may be employed or used for the purposes of begging.....".

So, this clause makes kidnapping for the purpose of begging an offence. It makes it a specific offence. It adds to the Indian Penal Code a particular offence.

Section 364 of the Indian Penal Code defines kidnapping for the purpose of murder an offence. Another section makes kidnapping for the purpose of procuring marriage an offence. Another section makes kidnapping for the purpose of illicit or immoral relationship an offence. All such specific offences have been related, but unfortunately the framers of the Code have left out of the Code the specific offence regarding kidnapping for the purpose of begging.

Of course, we find that this evil has been rampant in our society as the hon. Home Minister has been telling us. Children have been put to grievous hurt, not only that, but to gruesome hurt, in this respect for the purpose of exploiting them for begging. In our State we have come across an instance where a child of tender years, three or four years, having been kidnapped, or its custody having been obtained by a beggar, being subjected to inhuman treatment by crippling, and also by its eyes being put out. It was in the newspapers. It shocked the public very much and we found that the only procedure that could be adopted against the beggar was to proceed against him under the IPC for grievous hurt or some such thing since there is no specific offence for kidnapping for the purpose of employment of the child for begging. So, I would particularly welcome this Bill.

Criticism has been levelled that the use of the words "lawful guardian" is inappropriate. I would say it is not correct, because the clause refers to anybody obtaining custody of the minor, any person not being the lawful guardian, so that if any person obtains custody of a minor from

another person who is not the lawful guardian in order that the child may be employed for the purpose of begging, it would be an offence. So, it goes with the words "in order that such minor may be employed or used for the purposes of begging". So, wherever possession of a child is obtained from another person who may be the natural guardian, who may not be the lawful guardian but may be the de facto guardian, it will not be an offence unless the child is obtained from the custody of that person for the purpose of being employed as a beggar. So, the offence will take its birth only when the intention is to employ the child for begging. So, there is no question of changing the words "lawful guardian" to "natural guardian" because if any person obtains custody of a child from the natural guardian simply out of love for the purpose of adoption or bringing up the child into a fine gentleman or woman in society it is certainly not an offence, but will certainly be an offence if the child is employed for the purpose of begging.

The objection that has been raised by Shri Nathwani is that the actual employment or the using of a child is not made a specific offence. That may not be very serious if we look at sub-section (3) of proposed section 363A which reads thus:

"Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purpose of begging, it shall be presumed.....".

So, if any person employs a child or a minor for the purpose of begging, and if that person is not the lawful guardian, then a presumption will automatically arise, unless the contrary is proved, that that person has obtained the child for the purpose of employing that child for begging, so that the offence is committed. That is if a person is in possession of a child, or is found to be in possession of a child, and he is not able to show

that he is the lawful guardian, and he is found employing the child for the purpose of begging, then he certainly commits the offence under section 363A and is liable for a deterrent punishment of ten years.

I would personally submit for the consideration of the House and also for the acceptance of the hon. Home Minister that the punishment provided for need not be only ten years, but it should be even life imprisonment. For, when we come across instances where minors who have no volition of their own, where children of tender years are subjected to all sorts of cruelty and inhuman treatment just for the purpose of going about and cheating the public and earning a living by begging; it is certainly an inhuman treatment. I could even tolerate a murder; I do not mean to say that I would actually tolerate a murder, but I mean that we have provided for different degrees of murder such as first degree murder, second degree murder cases where murder has been committed under grave provocations murder committed in the exercise of the right of private defence and so on; so, we could at least plead mitigation of sentence; we could also plead that the person is not liable for the murder when he has exercised his right of private defence. These are offences where we could plead all these things. But here, the offence is against the society itself, because children of tender years are subjected to such inhuman treatment for the purpose of illegal gains. Why should the punishment in this case be restricted to ten years? Why can we not make it transportation for life or life imprisonment; of course we do not find transportation for life nowadays, but at least, we can provide for life imprisonment, because it is more or less first degree murder.

Another point that I would like to bring to the notice of the Home Minister is that it is not by providing merely for deterrent punishment that

this evil could be eradicated. There must be a tightening of the administrative side of the police force, to find out who are those persons who are kidnapping children or employing them for the purpose of begging. There must be a tightening up of the police force in order that they might get hold of those offenders and prosecute them without any mercy whatsoever.

As my hon. friend on the other side said, nowadays, we find that begging has been utilised as an art. People come as *sanyasins* or as beggars or as persons exposing their children as objects of pity. And at this time, we must consider as to how far we are able to check this sort of imposing on the society. If any legislation could be brought forward whereby begging as such could be banned, and those beggars who are really in need of the comforts of society could be taken care of by our social welfare workers and be housed in proper homes, then this evil could be eradicated. Of course, we can only think today of those days when the society would have progressed to such an extent. But, I am sure, it must be in the view of any welfare State, to stop begging altogether and provide for taking care of those persons who want the comforts of society.

There is also another point in regard to sub-section (2) of proposed section 363A. It reads thus:

"Whoever maims any minor in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment for life . . ."

I find a lacuna here. It is up to the Home Minister to explain it and satisfy this House as to how this will satisfy the requirements of the section. The sub-section says 'maims'. But the word 'maim' has not been defined anywhere in the Indian Penal Code. If we accept the dictionary meaning, maiming means disfiguring, or breaking any vital parts or limbs of any person. Suppose a person does not, in fact, maim a child but only

[Shri Easwara Iyer]

gores or wounds a child and makes it an object of pity, does that come within the purview of sub-section (2)? Suppose a person merely wounds the child, it is not probably maiming; and the person may be liable for grievous hurt, of course, but he may not come within the ambit of section 363A. This is because maiming has not been correctly defined. Any disfigurement or causing any loss of any vital parts of the body should also be treated as maiming. So, the word 'maim' should be defined properly. I am not very happy about the expression used in this respect.

Any person, whether that person be a lawful guardian or a natural guardian, or a person who has obtained the custody of a child from any other person, if he maims the child, will come within the scope of this sub-section, so that, I would say that the expression 'maims' should be defined in such a way as to include cases where a child has been utilised for the purpose of begging by disfiguring him in any manner which will evoke the pity or the sympathy of the public.

Mr. Chairman: Suppose a person gets a minor maimed by some other person. Will he come within the scope of this provision?

Shri Easwara Iyer: I do not know. The wording here is 'Whoever maims'; so, the person concerned should himself maim. If any person maims and hands over the child to another person, then he does not come within the scope of this provision. That is another point to be taken care of. As it is, it would mean that whoever is in possession of a child who has been maimed may not come within the ambit of this sub-section.

Shri Narasimhan (Krishnagiri): He would come within the scope of sub-section (3).

Shri Easwara Iyer: Of course, that is a case where a person employs a child for the purpose of begging there is a presumption arising that he has

obtained the child for the purpose of such employment. But the question of maiming is different. In sub-section (3) the question is one of taking a child out of its lawful guardianship. But sub-section (2) will hit even a lawful guardian or natural guardian or any person who maims a child and employs it for the purpose of begging. So, it is necessary that the word 'maim' should be defined. It is not that in every case, the person who is arrested and prosecuted will be able to plead all these things, but when you are enacting a particular formula for an offence, it is better to be clear on that, so that the prosecution may not have to face this headache later on.

Regarding the definition of the word 'minor', my hon. friend Shri C. K. Bhattacharya has asked why this distinction should be there between male and female. Of course, we are making a law laying down a specific offence regarding kidnapping or obtaining the possession of a child for begging; we may say that for the purpose of this section, the definition of the word 'minor' would be as given under the Indian Majority Act. There should be no distinction between male and female in this regard, unless, of course, my hon. friend on the other side, wants a discriminate treatment in respect of males and females. I would say that a child below eighteen years, male or female, is subject to certain disqualifications or certain disabilities, and that is what we find in our ordinary society today. When we are enacting a particular section laying down a particular offence, why not say that the word 'minor' used in this section means minor as defined under the Indian Majority Act? There is absolutely nothing wrong in such a definition, unless there is anything particularly sacred about the age of 16 for a male and the age of 18 for a female. So, my respectful submission before this House is that the definition of the word 'minor' should be enlarged so as to include a male below eighteen years also.

Shri Anrobindo Ghosal (Uluberia)
Though I support this amending Bill, still I do not think that it is because of the absence of the deterrent punishment that this crime has been existing.

In all big cities, and especially in Calcutta, as I am aware of it, there is an under-world which is being financed by some rich persons who have adopted this as a business, because this is a good source of income for them. Some of these financiers also live in the white world and when any of the kidnappers or their accomplices are in difficulties and are brought to the courts, these financiers support them in their cases. There is a gang of persons who kidnap the youngsters and maim and mangle their bodies from their childhood. These children are not congenitally born maimed as such, because living children cannot come out in this disfigured condition from the wombs.

We have found, and it is our daily experience in Calcutta, that at dawn or in the early morning, these maimed persons are brought to the river beaches and bathing ghats and also to the important street junctions for begging in hand-pulled small four-wheeled wooden boxes, and towards the evenings, these persons are taken away to their secret centres. Here, I agree with Shri Easwara Iyer on the point whether sufficient provision is being made to bring those persons to book, who are maiming or who are the main conspirators for maiming these young children. As soon as these persons come to the secret centres, all their alms are taken away from them and appropriated by the financiers. I had the opportunity of visiting one such den in Calcutta in 1935. I also saw a room where the children were maimed. It was just like hell for torturing and maiming. There were shrill cries coming out from the maimed and mangled boys. These maiming rooms are always kept underground.

There is also another thing with regard to begging in big cities, a thing

which is very much common in our area. Several hundred female beggars are found carrying children in their arms. Once a beggar confessed before the public—and this is known to everybody—that 90 per cent of these women beggars do not carry their own children. They hire these children from the villagers for the whole day from their parents by paying Re 1 per day in cash and giving food for the day.

I will give a third example. Recently another type of practice has been unearthed in the city of Calcutta. Boys who have passed the specified age but are young are kidnapped and sold to restaurants and all those houses. They are kept and treated there just like slaves.

These are the crimes which are still continuing and which still exist in the under-world of the big cities. While I support this measure, I doubt whether the deterrent punishment provided will have any appreciable repercussion on the persons who are committing this crime, because they are hard-boiled villains. We shall have to find out the main reason why these evils still exist in our society. In that respect, I agree with Shri L. Acharya Singh, that unless the level of social consciousness is raised by spreading education among the people, this sort of evils will continue to exist whether you introduce deterrent punishment in the Indian Penal Code or not.

Begging cannot be stopped merely by law. Unless you eliminate the real cause from the society which compel people to resort to begging, this evil cannot be eradicated.

With these remarks, I support this amendment and also hope that the Home Ministry will bring forward later on a comprehensive Bill for stopping begging altogether, indicating the steps that are to be taken to remove the causes for begging which exist in society, and for allowing the persons opportunities to earn their own bread. This matter should also be considered by the Government.

Shrimati Benuka Ray (Malda): Mr. Chairman, Sir, in the directive principles of our State policy, it is specifically laid down that childhood and youth should be protected. It has taken a long time, but I am glad at least this amending measure is before us now, because it certainly is very much overdue.

Many other speakers have pointed out the various lacunae in the Bill. I think on the whole, the Bill is a good one. But I certainly feel that it should lay down a minimum period of imprisonment and not only the maximum. Then I agree with the hon. Member who said that there is a great deal of vagueness remaining because the word 'maim' has not been defined. It is not easy in any case to implement a measure such as this, as we have seen in the case of other measures of a like nature. There are, as the last speaker said, many causes or reasons for which these children are maimed. It is no use going into any description because we are all aware of it. All the same, if this measure is really to be enforced the administration of this enactment should be done in a proper manner. I am sure the hon. Minister who has brought this Bill is as anxious about this as we can be and that the Home Ministry will see to it that the State Governments also make such arrangements by which this measure, once it goes through, is really implemented.

But, as I said, even while it is going through, perhaps it would be wise to bring in some kind of amendment in regard to defining the word 'maim' and also to lay down a minimum number of years of punishment and not only the maximum of ten years.

I agree with Shri C. K. Bhattacharya that there is no meaning in having the age of 16 allowed here for boys. The age of 18 is all right in the case of girls, but in the case of boys to have the age of 16 is rather out of tune with existing practice. It is not in conformity with the age of minority as laid down in other statutes. I

do not know if it can be done immediately. If it can be, it is all right. But one of the hon. Members pointed out that it is not possible to do it in the Bill as it stands. So an amending measure will have to be brought forward almost immediately. I hope the hon. Minister will take note of it and bring forward that amending Bill as soon as possible so that the thing may be in conformity with similar provision in other legislation of this type.

I do not want to take up any more time of the House. I would only say while on this subject of begging, that *a good deal will have to be done* before we can actually operate even this Bill or put an end to the menace of professional begging. In this connection, I think the Bombay Government has certainly taken a step in the right direction, and not only the Centre but other State Governments would do well to emulate what the Bombay Government has been doing in this matter. It is not easy to implement such a legislation always because you have to lay the basis for it; you have to see that those who are really destitute are provided for. But this menace of professional begging that is prevalent, and has been so for some time, in metropolitan cities such as Calcutta and Bombay must certainly be stopped. The example set by Bombay is one which Calcutta and Madras might easily follow. I think that there should be Central legislation in this matter; if not at least Central direction should be given. It is an allied subject. I am bringing it up under this because it is certainly of paramount importance. Here the main purpose of the Bill is to see that children who are used for begging purposes by professional beggars are not allowed to be victimised in this way, and more especially those who maim children are punished. I think that particular provision is very good. But it must be properly enforced. For that, as I have already said, the word 'maim' must be defined and a minimum

period provided for imprisonment—if the Bill is to be of any effect. I want to thank the hon. Deputy Minister for having at least brought this Bill. I hope that the points that have been made to make it a more stringent measure will be taken note of and whatever can be done now will be done immediately and the rest of it, afterwards.

16 hrs.

Shri D. C. Sharma (Gurdaspur): Sir, I welcome this Bill. It is an index of the social conscience of free India. The 20th century has been called the age of children. I am very happy to find that our country is also moving in that direction where the children can be benefited. This Bill does not go far enough. It is very partial and inadequate and it tackles only a part of the disease and not the whole disease. I am afraid it may give rise to some other kinds of disease and I hope that some day a Bill may be brought forward which may be fully in the interests of the welfare of the children.

I would like to make a few suggestions to make this Bill a little more workable. In clause 4(a)(i) I would like the addition of the words "in the name of religion" so that I will read: 'soliciting or receiving alms in a public place in the name of religion or otherwise....'. I believe that beggary is going on in India in all kinds of ways and forms and under all kinds of disguises. There are some professional beggars no doubt but there are some persons who go about begging in the name of religion or in the name of some supernatural power. I brought a Bill to do away with this kind of beggary but that Bill was turned down. It is not only the child which is kidnapped that goes about begging. There are also persons who will make use of persons for the purpose of begging by initiating them into some kinds of religion or some kind of denomination. Our laws must have some kind of power to prevent these persons from doing that kind of thing

and I feel that beggary should not only be tackled on the secular level but it should also be tackled on the religious level as it is much more dangerous at this level. I also want that in clause 2 another word should be added. Section 363A(2) reads: "Whoever maims any minor.....". Now, 'maims' is an omnibus word and carries many meanings. Sometimes you need not maim a person but you can do something to deform a person. I want to know whether it will be included in the word 'maim' but my own feeling is that these two things are different. Deforming a person does much more harm sometimes than maiming and so I should say 'that the word 'deform' should also be included in this clause.

We pass very good Bills but the net result is not commensurate with the good intentions of the Bill. My friend was talking about an under-world in Calcutta. There is an under-world everywhere in all these towns and cities of India and we are to guard ourselves against that under-world.

In order to be able to enforce this Bill we should have a special police for the protection of children. We are having children's cinema, Children's Film Society, children's hospitals, Children's Book Trust and so on. We are doing everything for children. We are also having, if I may say so, children's parks. These are what I may call beneficent measures for the good of children. I would say that you must have a special protective police for the children and that should be as powerful as any other police in all the big cities and towns. Unless you do that I think our police will not produce those results which the hon. Deputy Minister aims at.

The punishment is very lenient. We know what our laws is. Our law is a law meant for the noblest kind of society. The benefit of doubt goes to any person who is arrested and it is a good thing. Therefore, most of these persons can get out on account of the saving clause—the benefit of

[Shri D. C. Sharma]

doubt. The punishments given under 363(A)(1) and 363(A)(2) should be made equal. It should be imprisonment for life. I know humanity's face is blackened by many kinds of crimes but the crimes committed against women and children are the worst of their kind. We are now thinking of crimes which are perpetrated in the case of children and we should not here show any leniency to the evil-doer. I would not mind even if you punish such crimes with capital punishment because these things disfigure our national and social life.

My lawyer friends have been talking about phrases and all that. They have been making some remarks about the language of this Bill. The language of this Bill is as good as any Bill that we have passed. Taking into account the Bills that we pass I can say that the Bills are framed with the best of intentions. But there are our magistrates and judiciary and judges of various grades. They also apply their ingenuity to the interpretation of these Bills and our lawyers too apply their minds to these. Therefore, sometimes these Bills are torn out of their context. The intention of the Bill is ignored and they are made ineffective. But this will happen to any Bill that we pass in this country. So, this Bill should receive our unanimous support and we should be able to do something for these unfortunate children who are kidnapped. I can give any number of stories but I do not want to do so. It is an evil which you cannot ignore and it is growing day by day. It is not confined to any city or town; it is to be found in every village of India. It is an evil which has got to be checked and curbed. It is an evil which has got to be stamped out and which has got to be put down with the most ruthless hand. I plead that in its implementation no efforts should be spared.

One more word and I have done. I have found that the police authorities are very reluctant, I can give instances,

to register complaints of this kind. I know of some cases first-hand. They do not try to make a record of such cases. I think something should be done here about police also. If the police inspector refuses to take notice of the report which is made to him under this Bill, he must be made liable to punishment. It is from the police that our troubles start so far as kidnapping of children is concerned, and something should be done in the Bill to deal with the police also.

श्री नूलचन्द दुबे (फर्रुखाबाद) : श्रीमान सभापति जी, मैं इस बिल का स्वागत करता हूँ। मैं कई सालों से यह सुन रहा हूँ कि हमारे मुल्क में ऐसे लोग हैं, जो नाबालिगों को, या बालिगों को, बीमारों को, या अपाहिजों को, जिन लोगों के हाथ-पैर वे तोड़ देते हैं, उन को अपने पास रखते हैं और सुबह के वक्त उन को तांगे वगैरह में बिठा कर किसी चौराहे या किसी दूसरी जगह बिठा देते हैं और दोपहर और शाम को उन को खाना खिला देते हैं और फिर शाम को उन को अपने घर ले जाते हैं। उन की कमाई वे अपने पास रख लेते हैं और उन लोगों को सिर्फ खाना खिलाते हैं। मैं काफ़ी अरसे से यह महसूस कर रहा हूँ कि इस किस्म के लोगों को सज़ा देने के लिये ऐसे कानून की ज़रूरत थी और इसलिए मैं इस बिल का हृदय से स्वागत करता हूँ।

मुझे इस बिल में एकाध कमियां नज़र आती हैं, जिन की तरफ़ मैं मिनिस्टर साहब का ध्यान दिलाना चाहता हूँ। अगर कोई लाफ़ुल गार्जियन अपने वार्ड को इस काम के लिये इस्तेमाल करता है, तो उस के लिये इस बिल में कोई सज़ा नहीं रखी गई है। अगर कोई लाफ़ुल गार्जियन—वह बाप हो, मां हो, या कोई और हो—अपने नाबालिग बच्चे को भीख मांगने के लिए इस्तेमाल करता है, तो उस के लिये कोई सज़ा नहीं है। इस में सज़ा सिर्फ़ उन लोगों के लिए रखी गई है, जो कि

किसी नाचालिष को नाचायक तरीके से उस के गार्जियन से हासिल करें और उस को भीष मांगने बगैरह के लिये इस्तेमाल करें, लेकिन भाग्यल गार्जियन के लिए, या मैनेजर बगैरह के लिये कोई सजा नहीं रखी गई है। मैं चाहता हूँ कि आनरेबल मिनिस्टर साहब इस बात पर ध्यान दें और अगर मुनासिब समझे, तो इस में सफ़री तब्दीली करने की कोशिश करें— इस में कुछ बढ़ाने की कोशिश करें।

श्री नरसिंहन : क्या माननीय सदस्य का कहना यह है कि गार्जियन लोग बच्चों के हाथ-पैर जोड़ कर भाग नगवाते हैं ?

श्री मूलबन्ध बुबे : हाथ-पाव तोड़ने का सवाल नहीं है, लेकिन भीष मांगने का सवाल जरूर है। गार्जियन अपने बच्चों से भीष नगवाते हैं, हाथ-पैर तो नहीं तोड़ते हैं। उनकी भी सजा होनी चाहिये।

दूसरी बात ऐतराज की यह है कि बैगिंग की इजाजत ठीक नहीं है। उसने कहा गया है—

"Beggings" means—(i) soliciting or receiving alms in a public place,"

यह तो ठीक है, लेकिन उस के आगे यह कहा गया है—

"whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;"

अगर कोई शख्स किसी लड़के को, जिसको उसने उसका गार्जियन से हासिल किया है, कुछ कारीगरी दिखाता है कि फला चीज बेचो, तो इसमें क्या खराबी है ? अगर वह उस लड़के को कोई वस्तुकारी सेवा दे और कहे कि फला चीज बेचो और काम करो, तो उसकी इस बिना पर सजा दी जा सकती है कि वह बैगिंग में शामिल है। अगर वह

उसको गाना सिखा दे, तो उसके लिये भी सजा हो सकती है।

Shri Oza (Zalawad): I think there is some misunderstanding. It is "soliciting or receiving alms". That is not an offence. The offence is, "soliciting or receiving alms in a public place," under the pretence of singing, etc. That is an offence.

श्री मूलबन्ध बुबे : मिस्टेस क्या होता है ? माननीय सदस्य ने जो यह बताया कि "संगिंग दि मिस्टेस आफ रिजिंग . . ." यह मेरी समझ में नहीं आता। मेरे दोस्त शायद समझते होंगे। कोई गलत है, या नाचता है, या कोई वस्तुकारी का काम करता है, तो उसके बारे में कहा जायगा कि यह तो मर्दान बहाना है भीष मांगने का। यह साबित करना होगा कि वह बहाना था।

Shri Oza: The emphasis is on "soliciting or receiving alms" under the pretence of singing. For the purpose of doing so, soliciting or receiving alms, under pretence, is an offence.

श्री मूलबन्ध बुबे : मेरे दोस्त समझ रहे हैं, लेकिन मेरी समझ में यह नहीं आता है। शायद मेरी भूल इतनी मोटी है कि मेरी समझ में यह बात नहीं आती है कि कोई नाचालिष लड़का—सोलह बरस से छोटा लड़का—कोई वस्तुकारी जानता है, छोटी चीजें बनाता है और उनको बाजार में बेचता है और आप कहते हैं कि वह बैगिंग है। मेरी समझ में नहीं आता कि वह बैगिंग कैसे हो जायगी। भूखे नाम तो याद नहीं आ रहा है, लेकिन मैं जानता हूँ कि एक पाच छ. बरस का लड़का था। उसको पैदायशी गाना आता था। वह एक मशहूर गवैरे का लड़का था और वह गाना सीख गया। शायद उसका नाम पटवर्धन था। वह बहुत अच्छा गाता था और लोग उसकी गाने के लिये बुलाते थे। आप कहते हैं कि वह गाना भीष मांगना है। मेरी समझ

[श्री मूलचन्द दुवे]

में यह बात नहीं आती। जहाँ तक भीषण मागने का सवाल है, वह ठीक है, लेकिन अगर कोई गाना गाकर, नाच कर या किसी दस्तकारी से पैसा कमाता है, तो उस को भी सजा होती है। मावनीय सदस्य कहते हैं कि उसको बहाना समझ लीजिये। इस लिये मिनिस्टर साहब इस पर धौर करके बैरिंग की इन्सिस्टेंस को बदल सकें, तो अच्छा हो। अगर इतना ही रखा जाय कि

"soliciting or receiving alms in public place,"

तो मैं समझता हूँ कि वह बिल्कुल काफी होगा, वहाँ नाबालिगों को कोई दस्तकारी सिखाना, या कोई चीज सिखाना, जिससे वे अपना पेट पालन कर सकें और सोसायटी में किसी काम के हो सकें, जुर्रा हो जायगा। इस बात का ज़रा ख्याल करना चाहिये। मैं नहीं इस बिल का स्वागत करता हूँ। वह ठीक और मैं उस को स्पोर्ट करता हूँ।

Sri Narasimhan: The most important departure in the Bill from the existing law on the subject is that the presumption has shifted, or the burden of proof has now been placed on the accused. Government naturally think that it makes investigation and prosecution and punishment easier. It is no doubt, true. But I have another viewpoint which I want Government to take into account. What is important is enforcement of all these provisions of laws. What is wanted is not mere stiffening of existing legislation. What is needed is competent officers to detect efficiently these criminals and crimes. A mere provision of a deterrent punishment is not going to curb crime. The fear of detection is a better deterrent even if followed by only a milder punishment. Immunity from the fear of detection is the greatest encouragement that these criminals are nowadays having. Therefore, I want to impress upon the Government this aspect. It is no use passing a stiff law and making it a

dead letter. If, with the existing law, a full investigation is made and if the Government take a better interest and the officers are efficient, many of the ghastly and horrifying crimes would become less and less in number and gravity. That is why I urge that the Government machinery of detection in the case of these horrifying crimes be stiffened and efforts should be taken to see that the crimes are detected soon.

We have come across a number of ghastly crimes even in this capital city. We have only recently seen in the newspapers. The news that a child was murdered and its mother seriously wounded. The mother was saved and she is in the hospital. We do not know the rest of the story and what is happening in regard to the detection of this crime. The police are investigating, but our machinery should be effective. For instance in Madras, they have the police dogs. I do not know whether other States have police dogs. The police dogs take scent of the criminals and that Madras police find these dogs useful. I do not see any reason why, similarly, police dogs should not be kept in the various headquarters of the States.

Thus, I repeat my request that Government should not be satisfied with having a legislation and getting it further stiffened and making offences punishable more severely. That would not do. Our police officers should be clever in the art of finding criminals and like the Scotland Yard, our reputation should increase. Robbers and kidnappers should not be under the impression that it is very difficult for Government to catch them.

Shri S. M. Banerjee (Kanpur): Sir, I rise to support this Bill. Shri Nathwani says that there is no question of circulating this Bill for eliciting public opinion. May I submit that to mobilise public opinion is absolutely essential, if we are sincerely aiming at

social reform? I am sure this Bill will be passed unanimously and the punishment may extend to 10 years under this Bill. Some of my friends have suggested that there should be capital punishment or life imprisonment. If it is extended to that limit, I do not object, but who is going to implement it?

I come from the industrial city of Kanpur and I am also a jail visitor. I visit the juvenile section of the jails where there are young boys aged 12, 13, etc. Recently I was talking to a young boy who was in jail for stealing from a railway goods shed. He said, "There is a seth who pays me Re 1, he asks us to go to the shed and steal anything available there. So it is a conspiracy against the present society and they utilise small children for this purpose."

Even if this Bill is enacted into law, who is to implement it? I have had sad experience of our policemen. Especially the policemen at my place are efficient in shooting and killing people, but they are unable to unearth anything of this kind. I might mention for the information of this House that 9 people have been killed in Kanpur city, where there is no accommodation for 20,000 people. They simply sleep on the pavements. You must have read in the papers, Sir, that there have been mysterious murders. In 2½ months, 9 people have been killed there. They were actually very poor people, who were sleeping on the pavements. They have been killed with the sharpest instruments.

Shri A. M. Tariq (Jammu and Kashmir) That has nothing to do with this Bill.

Shri S. M. Banerjee: I am not afraid of firing, but you are.

Shri A. M. Tariq: I am not.

Sardar A. S. Saigal (Janjgir) My learned friend has just referred to some firing in Kanpur. I cannot see how this is relevant to this Bill. This has nothing to do with the firing in Kanpur. I will request you to see

that such kinds of things not connected with this Bill are not brought in here.

Shri S. M. Banerjee: I was talking about the 'efficiency' of the police.

Mr. Chairman. Whatever might be the inefficiency of the police in a particular State, that is practically a matter for the State. So far as this Bill is concerned, it is no argument that because the police is inefficient, no Bill should be passed. It is only incidental, it has nothing to do with this Bill.

Shri S. M. Banerjee: May I submit to you that the police fire there.

Mr. Chairman: I would ask the hon. Member to refer to the provisions. He need not dilate on police.

Shri S. M. Banerjee. I bow to your ruling. I only mention that these murders are taking place without purpose and the policemen in Kanpur are unable to arrest even a single man. Nobody sleeps outside in certain localities because of this. It has become a serious problem and it has baffled the local policemen in Kanpur. Some people are doing it, I do not know for what reason. They are doing it without any purpose of stealing anything. They are simply murdering people.

In the same way, if small children are actually kidnapped and if we report it to the police, what is the result of it? My other friends might have got very good experience of police rule, but, unfortunately, I have a sad experience. It is before my eye and so it is my duty to point out to the hon. Minister that unless there is an effort to have a social reform by eliciting public opinion, this will become another source of income for the policemen of UP at least. As I do not belong to other States, I cannot say about them. My sole object in suggesting that it should be circulated for public opinion is that there should be a strong public opinion against such criminals. It is a crime against society and so those people should be awarded exemplary punishment.

[Shri S. M. Banerjee]

My other point is, as pointed out by Shri Dube, about the definition of begging. Suppose a small boy is interested in magic and he earns some money. He goes to the people and says "give me some money, I will show you certain tricks". Will it come under the definition of "begging" in this Act? Suppose a small boy is a good singer and he sings and gets some money. How does it come under this definition? I am only referring to the defects in the definition of "begging". If the Bill is passed with the present definition of "begging", I tell you that many people will go to jail and the policemen of a place like Kanpur, and other places too, will make money. If anybody sings in the street, the policeman will swoop down on him and say "this is the Bill which has been passed; you are violating it; come to jail". There will be much misuse of this Bill.

I am all for the passage of this Bill. But my submission is this. This should not be misused by policemen if it is to be correctly implemented. As it is, many people will be sent to jail. I welcome that. After all, what is a prison? Who goes to prison? Prison is meant only for the unsuccessful criminal. There are successful criminals in this country, and other countries too, and for them there is no prison.

So, I would submit that a proper survey should be made. May I ask the hon. Minister whether any evidence has been taken from those maimed boys or girls whether they have any suggestions to make? If we have not conducted any survey, I would request that a survey should be conducted so that this problem may be looked into exhaustively and a solution found. I welcome this Bill. I share the irritation of my friends in not being able to detect the criminals in the murders in Kanpur. There the policemen have not been able to arrest even a single man. That is going on. When they are not afraid of committing murder,

will they be afraid of maiming a child? They may take a callous attitude; that is my fear, and that is why I request the hon. Minister to take note of it.

Mr. Chairman: Two hours were allotted for this Bill.

Shri Supakar (Sambalpur): There are not many speakers and then some time may be extended at your discretion.

Mr. Chairman: That is all right. But what I say is that there should be no repetition.

Shri Supakar: Sir, I appreciate the excellent motive behind this Bill, but I am afraid that there are very many loopholes which may make this Bill, after it is passed, rather ineffective. Some of the defects or possible defects have been pointed out by some of the previous speakers who have taken part in this debate. I would only refer to the more serious problem which this Bill seeks to deal with, namely the problem of maiming.

It is stated in sub-clause (2) that—

"Whoever maims any minor in order that such minor may be employed or used for the purpose of begging shall be punishable with imprisonment for life, and shall also be liable to fine."

In the case of ordinary kidnapping a presumption is provided for in sub-clause (3), namely,—

"It shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging."

But no such presumption is provided for in the case of maiming. Therefore it is just possible that when a case is taken to a court of law the accused may escape. Therefore I am afraid that the case of bringing to book a person guilty of the more serious

offence covered under sub-clause (2) of this section 388A may be very difficult.

Another aspect to which I wish to draw the attention of the hon. Minister is the social aspect of this problem. The reason why this problem is becoming more and more acute is that the gangs of criminals who were previously operating in some important cities of this country are now trying to spread their nets in the interior of the country as is evident from an experience in my State, Orissa, where in the most interior of the Kalahandi District we found that a gang, which had been operating from the State of Assam, had sent their men to kidnap children from that distance. So, these gangs who make a profit out of the pity of mankind by this cruel method are spreading their nets wide. It is the duty of the Government to prevent this crime at the source. One of the methods to do that is to see that this profession of kidnapping minors and maiming them becomes as unprofitable as we can make it.

Shri V. P. Nayar (Quilon) In cities adults are also maimed

Shri Supakar. Therefore the Government should see if it is practicable that those persons who have been maimed very recently and whose maiming can be detected by proper medical examination to have been of very recent occurrence, should be segregated and put in some sort of an asylum so that nobody can make a profit out of their deformity or the maimed condition. It may not be possible for the Government to ban begging of all kinds altogether, but it may be possible for them, with the aid and help of the Social Welfare Board and the police, to know cases where maiming has been of recent occurrence. Though it may not be possible to bring to book the members of the gangs themselves, it will be very easy to know the cases of recent maiming from the beggars them-

selves, and if Government can take care of them and help them to take to some other profession for their daily bread instead of begging, then I suppose this profession of kidnapping and maiming would become unprofitable to the criminals and a good check can be effected on these anti-social crimes.

Therefore, while I appreciate the good intentions of the Government, I appeal to the Government to take into consideration this social aspect of the matter by making the profession of kidnapping and maiming as unprofitable as we can make it.

जीलती कुच्चा नेहता (जम्मू तथा काश्मीर) समापति महोदय, मैं समझती हूँ कि इण्डियन पीनल कोड में यह एडिडिब बिल गृह मन्त्रालय ने पेश करके समाज की तरक्की व समाज सुधार के काम में एक बहुत बड़ा कदम उठाया है। यह हमारी बदकिस्मती है कि हमारे देश में बच्चों की रक्षा तथा बच्चों की देखभाल उतनी नहीं होती है जितनी कि होनी चाहिए और उतनी ही नहीं बल्कि कुछ भी उनकी रक्षा के लिये नहीं किया जाता है। किसी भी स्वतन्त्र देश के लिये यह भ्रष्टाचार बात नहीं हो सकती है कि उसके बच्चे इस तरह से भील मागते फिरें। आज हम देखते हैं कि हमारे बच्चे स्टेशनों पर, सड़कों पर, तथा दूसरे स्थानों पर भील मागते फिरते हैं। इनमें कुछ लूले होने हैं, कुछ लंगड़े होने हैं, कुछ अवे होने हैं और कुछ ऐसे भी होते हैं कि जो भ्रष्टाचारी हालत में भी होते हैं। ये बच्चे पैसे मागते फिरते हैं और देश को पुकारते फिरते हैं। यह एक बहुत ही दर्दनाक हालत है। इसको सुधारने के लिये सरकार को इससे भी बड़ा कदम उठाना चाहिये या ताकि जो इस तरह का काम बच्चों से करवाते हैं, उनको और भी कड़ी, और भी सख्त सजा दी जा सके।

इसमें कोई शक नहीं है कि कुछ सत्वायें सरकार की ओर से बनाई गई हैं और कुछ

[श्रीमती कृष्णा मेहता]

लोगों ने आप बनाई हैं जो कि बच्चों के लिए बड़ा अच्छा काम कर रही हैं। लेकिन उतनी संख्याओं से काम नहीं चलता है। मैं आपको अपना एक अनुभव बतलाना चाहती हूँ। मैंने एक लड़का देखा जो कि साधु के बेश में था। बहुत ही सुन्दर वह बच्चा था। वह दूकान दूकान पर जा जाकर भीख मांगता फिर रहा था। उसकी दशा देख कर मेरी आँखों में आँसू आ गए। मैं उसके पास गई और उससे पूछा कि क्या जो कुछ तुम कर रहे हो वह तुम्हें पसन्द है और यदि पसन्द है तो कितना पसन्द है और क्या तुम्हारे मा बाप नहीं हैं? उसकी आँखों में मेरी यह बात सुन कर आँसू आ गए और वह दर्दनाक तस्वीर आज भी मेरी आँखों के सामने है। जब कभी भी वह घटना मुझे याद आती है मेरे रोंगटे खड़े हो जाते हैं। उसने मेरे सवाल का यह जवाब दिया कि यह काम मुझे बिल्कुल भी पसन्द नहीं है लेकिन मैं क्या करूँ, मेरी रक्षा की जिम्मेदारी कौन ले सकता है। मुझे कोई भगा कर ले आया है और मुझे उसने इस काम में लगा दिया है और मैं भजन गा गा कर, दूकान दूकान फिर कर पैसा इकट्ठा करके उसे जाकर देता हूँ। जिस दूकान में यह घटना घटित हुई उसमें और भी लोग बैठे हुए थे और उनके दिनों में भी उस बच्चे के प्रति सहानुभूति ही थी लेकिन न वे और न ही मैं कुछ कर सकने की स्थिति में थे। कोई कायदा, कोई कानून नहीं था जिस का सहारा लेकर उसको इस काम से छुड़ाया जा सकता।

यह खुशी की बात है कि सरकार अब इस तरह ध्यान दे रही है। जरूर ऐसे लोगों को सजा होनी चाहिये। जब कभी हम बच्चों को ऐसी हालत में देखते हैं, उनको ऐसे मांगते हुए देखते हैं, उनको भीख मांगते हुए देखते हैं, उनको रोटी रोटी पुकारते हुए देखते हैं तब हमारे दिलों में यह ब्याल आता है कि कैसे गलत रास्ते पर इनको

डाला जा रहा है, कैसे गलत ट्रेनिंग इनको मिल रही है, इन बच्चों पर ही तो हमारी बड़ी बड़ी आशाएँ हैं और उनकी यही हालत रही तो क्या ये देश में करेंगे, कितना नुकसान देश का होगा और क्या देश का बनेगा। इसलिये हमें चाहिये कि इस चीज को समाप्त करने के लिये हम सक्त कदम उठाएँ।

मुझे खुशी है कि देश में कई संस्थाएँ बच्चों की भलाई के कार्य कर रही हैं। दिल्ली में एक बाल सहयोग नाम की एक संस्था है। मुझे ठीक याद नहीं लेकिन मेरा ब्याल है कि पिछले तीन चार सालों से यह यहाँ पर अपना कार्य कर रही है। उसने दिल्ली के बाजारों में जा जा कर भीख मांगते फिरते बच्चों को, जेबें कतरते हुए बच्चों को तथा दूसरे खराब काम करने हुए बच्चों को पकड़ कर उनको अच्छी शिक्षा दी है, उनका सुधार किया है, वहाँ से सीख कर वे निकले हैं और अच्छे काम वे कर रहे हैं। इसी तरह से सोशल वेलफेयर बोर्ड की तरफ से भी कई संस्थाओं को ग्राण्ट्स दी गई हैं जहाँ पर अच्छा काम होता है। जम्मू काश्मीर राज्य में एक अंब विद्यालय खुला हुआ है जिसको कुछ तो ग्राण्ट्स सोशल वेलफेयर बोर्ड के द्वारा दी जाती हैं, और कुछ पैसा वहाँ की जनता इकट्ठा करके उसको चला रही है। वहाँ पर भी बच्चों के लिये अच्छी ट्रेनिंग का प्रबन्ध किया गया है और बच्चे बहुत अच्छी बातें सीख रहे हैं। मैं आशा करती हूँ कि जनता और भी काम समाज सुधार के तथा इन बच्चों की देखभाल के लिये करेगी। आज देखने में आता है कि वे बच्चे जिनकी देखभाल का अच्छा प्रबन्ध नहीं होता है, आगे चल कर चोर, डाकू आदि बनते हैं और बड़े बड़े डाके व चोरियाँ करते हुए पकड़े जाते हैं। इस बास्ते बच्चों की भलाई के बहुत ज्यादा काम हम को करने हैं, उनकी भलाई के और भी बड़े बड़े कदम

उठाने हूँ और साथ ही साथ जो इनको भगा कर ले जाते हैं, इनसे भीख आदि मंगवाते हैं, उनके लिये इससे भी ज्यादा कड़ी सजा देने की व्यवस्था करनी होगी। अगर और कड़ी सजा देने के लिये हमें कुछ और करना पड़े जो बड़ भी करना चाहिये।

अन्त में मैं इतना ही निवेदन करना चाहती हूँ कि जिस तरह से इस हाउस ने अब तक इस तरह के बिलों में दिलचस्पी ली है, जिस तरह से इस बिल के बारे में दिलचस्पी दिखाई है उमी तरह से आगे भी दिखायेगा। इसके लिये मैं आपका धन्यवाद करती हूँ और साथ ही साथ इस बिल का समर्थन करती हूँ।

बीमती उमा नेहरू (सीतापुर) : सभा-पति महोदय, मैं इस बिल का स्वागत करती हूँ। इस कानून की बहुत दिनों से हम प्रतीक्षा कर रहे थे और इसकी आवश्यकता अनुभव कर रहे थे।

लेकिन इस कानून को देखने के बाद यह विचार जरूर दिल में आता है कि इस कानून को पास करने के बाद और लागू होने के बाद भी क्या जो बीमारी है वह बिल्कुल खत्म हो जाएगी। क्या बच्चों द्वारा भीख मांगा जाना बिल्कुल खत्म होगा या नहीं, यह ब्याल जरूर हमारे दिमाग में आता है। मेरे ब्याल में तो जो वेलफेयर स्टेट हम बनाने जा रहे हैं, उसमें पहला फर्ज हमारा यह होना चाहिये कि हम भीख मांगना बन्द कर दें, ईगरी को खत्म कर दें। भीख मांगना हमारे देश से अब खत्म हो जाये तो हमारा पहला फर्ज यह होगा कि जो भिखारी है, जो चारों तरफ बन्दर नचाते फिरते हैं, बच्चे नचाते हैं, या दूसरे काम करते हैं, उनके वास्ते वर्क हाउसिंग बनाए, होम्स बनाए, जहा पर इनको कोई बधा सिखाया जाए और इनको रोजी कमाने लायक बनाया जाए। अगर आप को इस कानून को लागू करना है और देखना है कि बच्चे भीख न मांगें तो पहली बात आप

को यह करनी होगी कि आप वर्क हाउसिंग बनाए ताकि वहा उनको काम करने के लिये मिल सके। इसमें कोई शक नहीं है कि जिस प्रकार आजकल बच्चों को पकड़ा जाता है और जिस के बारे में कई बातें बिल में लिखी हुई हैं वे सभी काफी हद तक ठीक है। लेकिन इसका एक दूसरा पहलू भी है। यतीम खानों के, आर्कनेजित के बच्चे भी आया करते हैं और मैंने खुद देखा है कि वे नाचते हैं, गाते हैं, बेंड बजाते हैं, भीख मांगते हैं और जो लोग उनको लाते हैं, व छिन कर वही इधर उधर खड़े हो जाते हैं और इनमें असली आर्कनेजित के बच्चे भी होते हैं और नकली भी। अब देखा यह है कि कौन असली होते हैं और कौन नकली। मुझे विश्वास है कि जब इस कानून को पास करने के बाद लागू किया जाएगा तो यह भी देखा जाएगा कि कहीं ऐसा न हो कि जिन लोगों को पकड़ा नहीं जाना चाहिये उनकी भी पकड़ लिया जाए या कोई और गलत काम हों।

वेलफेयर स्टेट जब आप बनाते हैं तो उसमें आपको दो बातों का ध्यान रखना होगा। इसमें एक तो यह है कि बच्चों की जितनी भी उन्नति आप कर सकें आपको करनी चाहिये। हमें बच्चों को आगे ले जाना है और इसके लिये जो कुछ भी किया जा सकता है किया जाना चाहिए। दूसरी बात यह है कि हम यह भी देखें कि बच्चों के साथ साथ स्त्रियों की भी उन्नति हो। जब तक बच्चों के साथ साथ स्त्रियों की उन्नति नहीं होगी तब तक ठीक ढंग की वेलफेयर स्टेट का बनना बहुत मुश्किल है।

मुझे ज्यादा कुछ नहीं कहना है क्योंकि जो जो चीजें होनी हैं उन सब को इस बिल में लिख दिया गया है। इसमें सब कुछ लिख दिया गया है कि क्या क्या चीजें हैं, किस किस तरह से वे होनी हैं, क्या क्या सूरतें होनी हैं। और कैसे भीख मांगने के लिए बच्चों का इस्तेमाल किया जाता है। इन

[श्रीमती उषा नेहरू]

लोगों के लिए आपने सजायें रखी हैं और मैं चाहती हूँ कि इन को कड़ी से कड़ी सजा जरूर मिलनी चाहिए। जो लोग बच्चों को अस्त्री बना कर तथा दूसरे काम करवा कर भील मंगवाते हैं, उनके लिये आपको सख्त सजायें रखनी हैं लेकिन इसके साथ साथ आप यह भी याद रखें कि इस बीमारी का इलाज सजा ही नहीं है, इस का इलाज यह है कि आप उनको संघा दें, उनको काम दें उनको काम सिखायें। जब तक आप भिक्षु-मंगों के लिये काम नहीं देंगे तब तक यह देश पूरा भिक्षुमंगों का ही रहेगा। हमको देखना है कि हम उनको रोजी कमाने लायक किस तरह से बना सकते हैं। कई लोगों का भील मांगना पेशा ही हो गया है। काफी रईस भी भील मांगते फिरते हैं और उनको इस काम से हटाना होगा। लेकिन असली जरूरत ऐसे लोगों को काम देने की है जिन के पास खाने के लिये रोटी नहीं है, पहनने के लिये कपड़ा नहीं होता है और वे इस जरूरत को धनना लेते हैं, क्योंकि यह एक आसान जरूरत है और इसके द्वारा वे बच्चों को नचाते हैं, बन्दरों को नचाते हैं या दूसरे काम करते हैं। इन लोगों की तरफ ध्यान देने की आवश्यकता है। मैं कहना चाहती हूँ कि वेल्फेयर स्टेट की जो असल जड़ है, जिससे यह फल फूल सकती है वह यह है कि हम इन लोगों को काम देवें ताकि भिक्षारियों का हमारे देश में नाम तक न रहे। हर एक को काम देने के लिये हम को बर्क हाउसिस बनाने होंगे और जब ऐसा हो जाएगा, तब यह जो बीमारी है, दूर हो जाएगी।

सरदार अ० सि० सहगल : समापति जी, यह बिल यहां पर उन लोगों के लिए लाया गया है जो कि कानून के मुताबिक गार्जियन न होते हुए नाबालिग बच्चों को बहका कर ले जाते हैं। मैं इस बिल का स्वागत करता हूँ और स्वागत करने के साथ ही साथ आप से यह प्रार्थना करता चाहता हूँ कि जो लोग उन

नाबालिग बच्चों से भील मंगाने का काम करायेंगे उनके लिये इसमें कड़वी जरूरत की सजा तो रखी है, साथ में जुर्माना भी रखा है। पर जो गार्जियन न होते हुए उनसे भील मंगवाने का काम करायेंगे उनके लिये दस वर्ष की सजा रखी है। लेकिन इस सारे बिल को देखने के बाद यह बला नहीं लगता कि आखिर जो लोग माता पिता हैं या कानूनन गार्जियन हैं, और अपने बच्चों को सिखाते हैं कि तुम जाकर भील मांगो, उनके लिये कौन सी व्यवस्था की गई है।

मैं आपसे यह भी कहने के लिये तैयार हूँ कि यह जो भील मांगने का काम है वह इस तरह से दूर नहीं हो सकता चाहे ऐंफ नहीं दस कानून बनायें। हमें यह देखना है कि इस कानून के बनने के बाद जो हमारी स्टेट गवर्नमेंट्स¹ वह किस तरह से काम करती है। जब यह कानून बन जाता है और लागू हो जाता है तो हमारा पहला फर्ज हो जाता है कि हम देखें कि जो हमारी स्टेट गवर्नमेंट्स है वह इसको ठीक तरह से काम में लावे। साथ ही हम को बेगर होम्स बहा कर रखने चाहिये जहां पर हम उन बच्चों को रख कर पढ़ा सके और दूसरे काम सिखा सकें। जब तक हम यह सारी व्यवस्थायें नहीं करते हैं तब तक इस बिल से कोई लाभ नहीं होगा। जैसे यह बिल ठीक है, इस को बनना चाहिये और मैं इसका स्वागत करता हूँ।

मैं आपसे यह भी कहना चाहूंगा कि सारे भारतभर में जो स्टेट्स की सरकारें हैं उन सब को चाहिये कि वे अपने यहां सर्वे करे और सर्वे करके यह देखें कि दरअसल कितन ऐसे बच्चे हैं और कितने ऐसे लोग हैं जो इन कामों को करते हैं। उसके बाद उन बच्चों को लाकर हम बेगर होम्स में रखें तो ज्यादा अच्छा होगा।

हमारे कुछ मित्रों ने यहां कहा कि पता नहीं इस बिल में सिलिबेरीटी है या नहीं।

में कहना चाहता हूँ कि अगर गवर्नमेंट के अन्दर इस बारे में सिसिप्रिटी न होती तो शायद यह बिल ही यहाँ पर न आता। इसमें गवर्नमेंट के अन्दर सिसिप्रिटी जरूर है। हमारे मित्र का यह भी कहना था कि इस बिल को जनता की राय जानने के लिये भेजना चाहिये। मैं समझता हूँ कि यह इस बिल को टरकाने का एक तरीका है। अगर बिल के पास होने में देर लगानी हो या इस कानून को जल्दी न आने देना हो तो उसका यह तरीका है कि बिल को जनता की राय जानने के लिये भेज दिया जाये। मुझे पता है कि राय के लिये भेजने के बाद किसी भी बिल को कितनी सीढ़ियाँ चढ़नी पड़ती है। इसलिये मैं इसको राय के लिये भेजे जाने की मुतालफत करता हूँ।

जहाँ पर आपने क्लॉज ४ (ए) में लिखा है कि सालिसिडिय और रिसीविंग आर्म्स इन पब्लिक प्लेस में इसका स्वागत करता हूँ। थोड़ी देर के लिये मान लीजिये कि किसी ने अपने बच्चे को नाचना सिखलाया, गाना सिखलाया और वह जाकर गाता है, नाचता है, तो उसको भी, और अगर वह सिखलाने वाला उस बच्चे का पिता नहीं है, वह केवल अपने पास बच्चे को रखता है, तो उसे भी सजा मिलेगी। इस कानून के मुताबिक जो भी सजा होगी, वह उसका हकदार होगा। लेकिन इस पर हमें जरा गौर करना चाहिये। ऐसे बहुत से बच्चे हैं जिनको बेगिंग के लिये नहीं, बल्कि ही गाना और नाचना सिखलाया जाता है। अगर वह बच्चे को जबरदस्ती रखे या किर्नैप करे तब तो वह इस कानून के अन्तर्गत ही आता है, लेकिन अगर वह सिर्फ सिखलाने की गरज से रखे तो ऐसी हालत में उसको यह सजा देना, मैं समझता हूँ कि शायद ठीक नहीं होगा।

इस अवसर पर ज्यादा न कहता हुआ हमारी उपमन्त्री ने जो बिधेयक रक्खा है उसके

लिये मैं उनका बचाई देता हूँ।

Shri V. P. Nayar: Sir, I did not want to participate in this debate but reading through the Bill I found some difficulty and I wanted to draw the attention of the hon. Minister to clause 2(2) read with clauses (4) (i) and (4) (ii) and also clause 4(b) (i). My contention is that while the Act provides for punishment for those who commit an offence on a minor especially with the intention of making use of him for the purpose of begging, it does not cover another class of people who have become unfortunately the victims of such nefarious practices. It is a very delicate matter but I feel that duty compels me to refer to it in this House. Most of us know that in many North Indian towns and cities there are a set of people who are called hijras—eunuchs. I am told that even after the attainment of adult age, they are maimed and made into hijras merely for the purpose of making them beg. What is begging? I would not have been concerned with it but for the definition of 'begging'. Begging here means "soliciting or receiving alms in a public place whether under the pretence of singing, dancing, fortune-telling..." I think it will come under that. Then again it goes on: "...entering on any private premises for the purpose of soliciting or receiving alms". In Delhi in our houses also sometimes batches of these hijras come, especially when a new child is born. This was unknown to us in the South. In the North it appears to be the prevailing practice and I do not think that any north Indian town is free from this unfortunate set of people. I am afraid they are deliberately maimed for the purpose of collecting alms. I would request the hon. Minister to find out whether the Bill as it is before us would enable the Government to bring to book such offenders. If not, I submit suitable amendments will have to be made because it is a problem which is menacing and which is to be solved at the earliest possible time.

श्री० रणवीर सिंह (रोहतक) : समापति महोदय, इस विधेयक का स्वागत करते हुए मैं यह कहे बगैर नहीं रह सकता कि अगर यह विधेयक आज से दस बारह वर्ष पहले आता तो हम इसका दिल से स्वागत करते। आज १२ सालों के बाद जबकि हम दूसरी पंचसाला योजना खत्म करने जा रहे हैं और उसके ऊपर ७२०० करोड़ रुपया खत्म करने जा रहे हैं, हमारे देश के अन्दर ऐसे भिकारी लोग हैं जो कि उसकी तहत नहीं आते, यह हमारे देश के लिये कोई बहुत उदाहरण की बात नहीं। किडनीपिंग ही बुराई नहीं है, भिलारी भी हमारे लिये बुराई है। अगर अपना बच्चा हो और वह भिलारी बनता है तो वह भी बुरा है। उसे भी कानूनी तौर पर सजा मिलनी चाहिये। जहां तक सरकार का वास्ता है, मैं समझता हूं कि जब उसने ७२०० करोड़ रु० खर्च किया है तो इस देश की बेकारी को खत्म करना उसका पहला फर्ज होना चाहिये था। जहां मैं इस विधेयक का स्वागत करता हूं वहां मैं गृह मंत्रालय से यह प्रार्थना करता हूं कि वह इस बारे में स्कीम बनाये ताकि थर्ड फाइव इयर प्लान में इस देश के अन्दर न भिलारी रहें और न भिलारी बनाने वाले रहें।

श्री जगदीश शबस्त्री (बिल्हौर) : जेबकतरे रहें ?

श्री० रणवीर सिंह: जेबकतरों की शायद आपको ज्यादा जरूरत होगी, हमें जेबकतरों की आवश्यकता नहीं है या शायद पी० एस० पी० को ज्यादा जरूरत हो, हमारे यहां तो इसकी ज्यादा गुंजाइश नहीं है। मैं समझता हूं कि सबको इस विधेयक का स्वागत करना ही चाहिये। लेकिन इसके साथ साथ हम को क्या देखना चाहिये ? अभी जैसा भय जाहिर किया गया, मुझे भी मालूम होता है कि अगर कोई ड्रामा पार्टी को चलाने वाला हो तो वह भी सही मानो मैं इस विधेयक से बच सकेगी या नहीं। कोई भी पुलिस अधिकारी अगर कोई ड्रामा पार्टी

आगेनाइज करता है तो उसका भी बालान कर सकता है वह कह कर कि तुमने इस १४, १५ साल के बच्चे को किडनीप किया है, या तो तुम यह साबित करो कि तुमने इसको किडनीप नहीं किया है। आपके इस कानून में कोई ऐसी चीज नहीं रखी गई है कि जिससे कि जो ड्रामा पार्टीज चलाते हैं या कल्चरल प्रोग्राम्स चलाते हैं, उनके ऊपर कोई आकत न आये। क्या इसके बारे में भी ध्यान रखा जायेगा ?

Shrimati Alva: Mr. Chairman, Sir, I am very grateful to the many hon. Members who have offered valuable suggestions on this measure which looks small on its face but which will have very far-reaching effects. While discussing this Bill sometimes some of the hon. Members lost sight of the wider perspective. This is a specific measure for amending the Indian Penal Code and giving it a greater effect as far as minors are exploited after maiming. Maiming or inflicting cruelties on children for the purpose of earning a livelihood or for gainful purposes, by those savage elements in society which use sadistic methods for inflicting the types of cruelty is not only inhuman but barbarous and gruesome.

When talking of beggary, as many of the hon. Members have talked, most of the States have framed anti-beggary laws. The subject of beggary falls in the concurrent list. Many of the hon. Members offered suggestions that it is not the laws that we pass in this House or that we put on the statute-book but it is the administrative effect finally that will bring the ultimate, desired result that we are hoping to achieve by the laws. I do admit that very much will depend on the manner in which these laws will be administered in the various States. The States have got their own laws in the field of beggary, whether it be for minors or others. In talking about children, minors and boys and girls—boys up to 18 and girls up to 16—there is a

confusion on that point. But we have retained the age as laid down in the Indian Penal Code. In the Penal Code, it is 16 for boys and 18 for girls.

Mr. Chairman: The hon Minister might continue tomorrow.

16-59 hrs

*SCARCITY OF SUGAR

Mr. Chairman: We shall now take up the half-an-hour discussion on the scarcity of sugar. I should just like to mention one thing. There are as many as seven hon Members who have tabled this motion. Of course, there are a number of supporters. I have got only half an hour. Under the rules, the member who has given notice may make a short statement and any member who has previously intimated to the Speaker may be permitted to ask a question. That is all.

17 hrs

Shri Khuswaqt Rai (Kheri). May I make a submission? This discussion is based on a question about scarcity of sugar. The other day another question was asked about the prices of sugarcane. I have already tabled a motion for discussing the prices of sugarcane. I would like that that discussion should be allowed as a two-hour discussion. I would make that request to Speaker through you. (Interruptions)

Mr Chairman: Today I am concerned only with the half-hour discussion. Shri Braj Raj Singh

श्री ब्रजराज सिंह (फिरोजाबाद) :
समापति महोदय, यह चर्चा उस प्रश्न पर उठनी है जो मैंने खस मंत्री महोदय से उस दिन पूछा था कि क्या मंत्री महोदय को यह पता है कि उत्तर प्रदेश के गन्ना उत्पादकों ने यह तह किया हुआ है कि यदि उनके गन्ने के दाम २ रुपये प्रति मन नहीं किये गये तो

वे १५ दिसम्बर से गन्ना हड़ताल पर चले जायेंगे। इस पर मंत्री महोदय ने प्रश्न को टालने की कोशिश की और उन्होंने कहा कि इससे गेहूँ का उत्पादन कम हो सकता है। एक माननीय सदस्य ने पहले भी शायद यह इशारा किया कि जो गन्ने की कीमत बढ़ाई जा रही है वह गेहूँ के खर्चे पर बढ़ाई जा रही है। गेहूँ का उत्पादन उससे कम होगा लेकिन मैं विवेदन करना चाहता हूँ कि एक इस तरह का गलत प्रचार किया जा रहा है मुल्क में कि गन्ने और गेहूँ का कोई ऐसा सम्बन्ध है जिसमें गन्ने की कीमत बढ़ाने से गेहूँ का उत्पादन कम हो सकता है। मेरा निवेदन है कि खाद्य मंत्री महोदय यह देखें कि गन्ना सिर्फ उन क्षेत्रों में पैदा हो सकता है जिनमें कि फैक्टरीज मौजूद हैं और फैक्टरीज आप खुद कटोल किये हैं उन क्षेत्रों में जहाँ पर कि पहले से गन्ना हो रहा है और उन दूसरे क्षेत्रों में जहाँ पर कि गन्ने की फैक्टरीज नहीं हैं वहाँ पर गन्ने का उत्पादन नहीं होता और वहाँ पर गन्ने की कीमत बढ़ाने का सवाल नहीं है। अगर दूसरे क्षेत्रों में गन्ने का उत्पादन करेंगे तो उससे सिर्फ गुड और सड़सारी ही बन सकती है और सड़सारी पर भी आप कटोल कर रहे हैं। इस तरह गन्ने की कीमत बढ़ाने से गेहूँ का उत्पादन कम हो सकता है, गलत है। गन्ने का उत्पादन आसानी से नहीं हुआ करता। उसके लिये सिचाई की आवश्यकता होती है, उसके लिए और सब चीजों की आवश्यकता होती है। आप जानते हैं कि आपने इन १२ सालों के अन्दर कितनी सिंचिका सिचाई की सुविधाएँ किसानों को दी हुई हैं? इतनी सुविधाएँ नहीं दी हैं जिससे कोई ज्यादा गन्ने का उत्पादन बढ़ सके, किसी चीज का उत्पादन बढ़ सके। गन्ने का उत्पादन ऐसी चीज नहीं है जो आसानी से बढ़ सके इसलिए यह प्रश्न देना कि गन्ने की कीमत बढ़ने से कहीं पर गेहूँ का उत्पादन कम हो जायगा, कतई गलत बात है।

*Half-An-Hour Discussion.

[श्री बजराम सिंह]

कहा जाता है कि सरकार ने एक सप्ली-मेंटरी में बताया कि उन्होंने चीनी का उत्पादन बढ़ाने के लिये कुछ प्रलोभन दिये हैं, कीमत बढ़ाई है। लेकिन जहां तक कीमत बढ़ाने का सवाल आता है तो गन्ने की कीमत ३ आने प्रति मन बढ़ाने के लिए उन्होंने ३ आने प्रति मन के हिसाब से रिकवरी कर लगाते हुए १०० मन गन्ने पर उन्होंने १० मन चीनी बनाई और १४ आने मन चीनी की कीमत भी बढ़ा दी। आप देखेंगे कि प्रश्न यह था कि यह देखा जाता कि वाकई क्या चीनी की कीमत जो इस वक्त दी जा रही है फैक्टरी भ्रोनर्स को कारखानों के मालिकान की वह चीनी की कीमत काफी है या नहीं। मैं खुद नहीं बल्कि स्वयं मंत्री महोदय बतालाये कि उत्तर प्रदेश के मुख्य मंत्री ने—यह जानने की बात है कि उत्तर प्रदेश हिन्दुस्तान में ५० फीसदी से ज्यादा चीनी पैदा करता है—उत्तर प्रदेश के मुख्य मंत्री ने दिसम्बर सन १९५८ में उत्तर प्रदेश की विधान सभा में यह कहा कि पश्चिमी उत्तर प्रदेश में चीनी की जो कौस्ट प्राइस आती है, खर्चा आता है वह ३३ रुपये २५ नये पैसे है जब कि पूर्वी उत्तर प्रदेश में चीनी की कौस्ट प्राइस ३३ रुपये ३४ नये पैसे आती है, यह है उत्तर प्रदेश के मुख्य मंत्री का कहना। हमारे अपने आकड़े भी यही साबित करेंगे लेकिन इतना वक्त नहीं है कि मैं अपने आकड़ों से यह सिद्ध कर सकूँ। लेकिन मैं यह बतला देना चाहता हूँ कि हम यह साबित कर सकते हैं अगर कोई ट्रिब्युनल हो, कोई कमेटी मुकर्रर हो। चीनी की कौस्ट प्राइस इस वक्त जो कि अभी आपने बढ़ाई है ३ आने प्रति मन गन्ने की कीमत, उससे पहले चीनी की कौस्ट प्राइस मूल में ३१ रुपये ६५ नये पैसे से ज्यादा नहीं पड़ सकती। आपके सारे टैक्स शामिल करते हुए आपका खर्चा शामिल करते हुए यानी ३२ रुपये ज्यादा से ज्यादा उनको दे सकते हैं उसके बजाय ३६ रुपये प्रति मन दे रहे थे और अब आप उन्हें देंगे ३७ रुपये ८५ नये पैसे प्रति मन।

आप चाहते हैं कि चीनी का उत्पादन बढ़े और यह अच्छा भी है और सब यह चाहते हैं लेकिन चीनी के उत्पादन का बढ़ाने का यह कोई तरीका नहीं है कि जब किसान कहें कि हमारे गन्ने की कीमत बढ़ा दी जाय तो गन्ने की कीमत के साथ आप चीनी की कीमत भी बढ़ाते जायें मिलमालिकान को ज्यादा कीमत देते चले जायें तो इससे काम चलने वाला नहीं है। यह गलत पालिसी है। अफसोस होता है कि एक खाद्य मंत्री के बाद दूसरे खाद्य मंत्री आते हैं लेकिन जहां तक चीनी की मूल नीति है चीनी की कीमत और गन्ने की कीमत की मूल नीति का सम्बन्ध है, उसमें किसी परिवर्तन की बात नहीं सोची जाती है। हमारे नये खाद्य मंत्री महोदय श्री पाटिल यह उपदेश करते फिरते हैं कि चीनी का खर्चा कम करो और चीनी कम खाओ। यह खर्चा उस जनता के लिए हो सकता है। बहुत से लोग ऐसे होते हैं जो कि खा नहीं सकते। मैं पूछना चाहता हूँ श्री पाटिल या दूसरे और इन जंमे कितने ऐसे लोग हैं जिन्होंने कि चीनी का खर्चा कम कर दिया है। यह हो नहीं सकता है। तो इस तरह के उपदेश से कोई फायदा नहीं होता। मैं कहना चाहूंगा कि मूल नीति जो चीनी के सम्बन्ध में है, गन्ने के बारे में है, उस पर विचार किया जाय। चीनी का उत्पादन बढ़ा है मगर पिछले साल से इस साल जो उसका उत्पादन हुआ वह कम हुआ। यही नहीं उत्तर प्रदेश की विधान सभा में वहां के डिप्टी मिनिस्टर ने एक सप्लीमेंटरी के जवाब में बतलाया कि १९५६-५७ में वहां उत्तर प्रदेश में जो कि ५० फीसदी चीनी पैदा करता है, सारे देश में उसमें चीनी का उत्पादन था २९४'१८ लाख मन, १९५७-५८ में २५६'४२ लाख मन था और सन १९५८-५९ में २४१'५० लाख मन था अर्थात् लगातार चीनी का उत्पादन उत्तर प्रदेश में घट रहा है। अब हम इस स्थिति में आखिरी ओझल नहीं कर सकते कि उत्तर प्रदेश जो कि ५० फीसदी चीनी पैदा करता है वहां पर लगातार उत्पादन

बट रहा है। इसकी क्या वजह है? अभी पिछले साल भी गन्ने के उत्पादकों ने कुछ इस तरह की बातें कही कि गन्ना रोका गया। इस साल तो वह तय किये हुए है कि १५ दिसम्बर से वह हड़ताल करेंगे। आप बतौर इंसैन्टिव के तीन आने मन गन्ने की कीमत बढ़ा कर और इसका प्रलोभन देकर गन्ने का उत्पादन बढ़ाना चाहते हैं लेकिन उसके साथ साथ बिना कुछ कहे जो चीनी बनाने वाले फेक्टरीज के मालिक हैं, वह चीनी की कीमत १ रुपये १४ आने प्रति मन के हिसाब से बढ़ा देते हैं। देखना यह है कि इस तरीके से आया चीनी का उत्पादन बढ़ने की कोई आशा बंध रही है या नहीं। मैं चाहूंगा कि खाद्य मंत्री महोदय इस पर मूल रूप से सोचने की कृपा करें। अगर वाकई चीनी का उत्पादन हमें बढ़ाना है तो क्या इस तरीके से वह बढ़ सकेगा? आप कह सकते हैं कि आपकी पुलिस है और अगर गन्ना उत्पादक हड़ताल करेंगे तो पुलिस उनकी गिरफ्तार कर लेगी। कानून का हथियार आपके पास है। आपका कानून है, आप गोली चला सकते हैं, लाठी चला सकते हैं लेकिन आप यह मत भूलिये कि आप कुछ भी क्यों न चलायें, लेकिन आप किसी भी गन्ना उत्पादक को जबरदस्ती यह नहीं कह सकते हैं कि नहीं तुम्हें अपनी चीज बेचनी ही पड़ेगी। गन्ना उत्पादक कह सकते हैं कि हम अपना गन्ना नहीं बेचते और जाहिर है कि अगर वह गन्ना नहीं बेचेगे तो चीनी का उत्पादन जरूर कम हो जायगा। मैं चाहूंगा कि इस पर जरा सहानुभूतिपूर्वक विचार किया जाय। मैं तो आपसे कहूंगा कि कीमत के सवाल को और चीनी की कीमत के सवाल को मूल रूप से एक कमेटी के सिपुर्द कीजिये। अगर आप खुद इसको तय नहीं कर सकते तो इसके बास्ते एक कमेटी बनाइये जिसमें कि गन्ना उत्पादकों का एक प्रतिनिधि हो, जिसमें शुगर फेक्टरीज के मालिकान का भी अगर वे चाहें तो एक प्रतिनिधि हो, एक गन्ने और चीनी की कीमत के बारे में विशेषज्ञ हो और एक हाईकोर्ट का जज हो और यह आशय उस कमेटी के सिपुर्द किया जाय जो

कि तीन महीने के अन्दर अपनी रिपोर्ट दे कि वाकई चीनी की कीमत प्राइस क्या है और वाकई गन्ने के उत्पादन का खर्च क्या है। यह कहना कि गन्ने के उत्पादन खर्च को हम नहीं लगा सकते कुछ जंचता नहीं है। हमेशा जब भी खेती की पैदावार का हिसाब लगाने का सवाल आता है तो सरकार की तरफ से कह दिया जाता है कि इतना बड़ा मुल्क है और खेती की पैदावार का, उत्पादन के खर्च का हम हिसाब ही नहीं लगा सकते, यह बात आपकी जरा हल्क के नीचे नहीं उतरती। आप सीमेंट का हिसाब लगाते हैं, कपड़, लोहे व चीनी का हिसाब लगा लेते हैं लेकिन इस देश में ७० फीसदी लोग जो कि खेती की पैदावार करते हैं, उनकी पैदावार का हिसाब आप नहीं लगा सकते। मैं समझता हूँ कि इससे यह काम चलने वाला नहीं है। इसलिए मैं यह कहूंगा कि एक कमेटी के सिपुर्द यह काम किया जाय जो कि यह तय करे कि गन्ने के उत्पादन का खर्च क्या हो। उस पर आप कितना मुनाफा देना चाहते हैं? चीनी के उत्पादन का खर्च क्या हो उस पर आप क्या मुनाफा देना चाहते हैं? मैं विश्वास दिलाता हूँ कि इस तरह की अगर एक कमेटी बने तो मैं उसके सामने साबित कर दूंगा कि तीन आने मन की जो बढ़ोतरी गन्ने की कीमत में हुई है, उससे पहले चीनी के उत्पादन का खर्चा सारे टैंक्सों को शामिल करते हुए भी किसी सूरत में ३१ रुपये ६५ नये पैसे से ज्यादा नहीं आयागा और कोई वजह नहीं है कि आप ३७ रुपये ८५ नये पैसे दें। उससे पहले ३६ रुपये मन की प्राइस लेकर पिछले पांच महीनों में करीब १० रुपये चीनी के मिलमालिकों ने उगे हैं और क्या यह उचित होगा कि यह उनकी ठगी लगातार चलती जाय? श्री पाटिल जब खाद्य मंत्री बने तो लोगों में आशा बंधी कि कोई ऐसी कारगर योजना बनाई जायगी जिससे कि चीनी का उत्पादन बढ़े। लेकिन मैं यह साफ कह देना चाहता हूँ कि आपकी इस योजना के देश में चीनी का उत्पादन बढ़ने वाला नहीं है। १५ दिसम्बर से उत्तर प्रदेश

[श्री ब्रजराज सिंह]

में हड़ताल होगी। उसे कोई रोक नहीं सकता। कितनी भी लाठी चले, गोली चले और कुछ भी क्यों न चले यह हड़ताल रुकने वाली नहीं है और वह होकर रहेगी। यह कोई एक ओट अथवा धमकी की बात नहीं है बल्कि एक वास्तविकता है। उसे टालने के लिए यह बहुत ही आवश्यक है कि सरकार जल्दी से जल्दी एक कमेटी का निर्माण करे और उस कमेटी से कहे कि वह तीन महीने के अन्दर अपनी रिपोर्ट दे और कमेटी जो रिपोर्ट दे और फैसला दे, उसको २५ अक्टूबर सन् १९५९ से जब कि आपने यह आर्डिनेन्स निकाला है व कम्युनिक् निकाला है जिसमें कि कीमतें तय की हैं और निकाली हैं, लागू कर दें। अगर कमेटी यह कहे कि तीन आने मन की बढ़ोतरी नहीं बल्कि दो रुपये प्रति मन गन्ने का दाम नियत होना चाहिए और चीनी का दाम यह रहना चाहिए तो वह हो जाना चाहिए। मेरा विश्वास है कि इसके अलावा और कोई तरीका नहीं है जिससे कि चीनी का उत्पादन बढ़ सके। आप किसी को जबरदस्ती अपनी चीज बेचने के लिये मजबूर नहीं कर सकते और खास तौर से किसान को।

यह कहने के कि अगर गन्ने का उत्पादन बढ़ेगा तो गेहूं का उत्पादन कम हो जायेगा, बिल्कुल कोई मानी नहीं हैं। गन्ने के खेत अलग होते हैं। उसके लिए सिंचाई की विशेष सुविधा चाहिए। इसलिए गन्ने का उत्पादन बढ़ने से गेहूं के उत्पादन पर कोई असर नहीं पड़ सकता। इसलिए मेरा निवेदन है कि अगर कुछ लाख गन्ना उत्पादकों को अच्छी कीमत मिल सकती है तो आप उसके बीच में न आइये। हिन्दुस्तान में केवल ४४ चीनी के कारखानों के मालिक हैं। उन के लिये आप तीस लाख गन्ना उत्पादकों के हितों की कुरबानी मत कीजिये, और अगर आप उनकी कुरबानी करेंगे तो नतीजा यह होगा कि यह चीनी का प्रश्न हल नहीं होगा। सरकारी आंकड़े इस बात को साबित कर रहे हैं। मेरे पास वक्त

नहीं है नहीं तो मैं डिटेल् में जाता। मैं केवल इतना ही कहना चाहता हूं कि इसके अलावा कोई हल नहीं है। इस पर आप गम्भीरता से विचार करें। इस मामले को एक कमेटी के सिपुर्द कीजिये और उससे कहिये कि तीन महीने के अन्दर इस मामले को तै करे और गन्ना उत्पादकों से कहिये कि जो इस कमेटी का फैसला होगा वह हमको मान्य होगा। जब तक आप ऐसा नहीं करेंगे तब तक गन्ना उत्पादकों में जो असन्तोष की लहर फैली हुई है वह शान्त नहीं हो सकती। यह सरकार की गलती के कारण है कि उत्पादन कम होता जा रहा है। इसका क्या कारण है इसको सोचने की कृपा कीजिये। मैं पाटिल साहब से कहूंगा कि वह दोनों हाथों में साहस बटोर कर हिम्मत से सामने आयें.

Mr. Chairman: The hon. Member should remember what I have said in the beginning. He has already taken 15 minutes. The hon. Minister wants 15 minutes. So, he is practically depriving the other hon. Members from having a say in the matter. He is entitled to make a short statement and not a speech.

श्री ब्रजराज सिंह : मैं इतना कहते हुए खत्म किये देता हूं कि इस समस्या का इसके सिवा और कोई हल नहीं है।

Shri Panigrahi (Puri): Mr. Chairman, I would like to submit before the hon. Minister that in spite of giving the production incentives, it has been estimated that the production may not go beyond 21 lakh tons of sugar in the coming year. It has also been estimated that the minimum consumption of sugar in the country is 22.5 lakh tons. So, in spite of giving these production incentives, there is a shortfall of 1.5 lakh tons of sugar which the country needs for consumption.

The hon. Minister has sometime ago made a statement that the Government intends to have a buffer stock of sugar

just as he has said the Government intends to have a buffer stock of food-grains. He has also said that Government intends to have a buffer stock of sugar up to 2,05,000 tons. From which source does the hon. Minister want to build this buffer stock so that even if the production falls by 1.5 lakh tons the hon. Minister is going to meet the shortfall in production even in spite of the production incentives that the Government has given to the sugar millowners and to the cane growers?

There is another apprehension in the minds of the public and that is whether Government will really be in a position to supply sugar at reasonable rates to the consumers. Now Government intends to increase the ex-mill price of sugar. We would like to know a clearcut policy of the Government with regard to the increase of ex-mill price of sugar as to whether the Government has come to any decision with regard to that.

The hon. Deputy Minister yesterday gave the different quotas which have been allotted to the different States totalling nearly 175,000 tons of sugar. What is the basis of giving these quotas? I find from the figures that Orissa, for example, has been given 24,805 tons, Rajasthan 62,000-odd and Mysore 89,000. Are the quotas given according to the needs of the States? In that case, West Bengal and Orissa may need more. So, is it according to the needs of the States, or is it arbitrarily fixed?

The hon. Deputy Minister has admitted that in different States, sugar selling in the open shops is higher than in the Government-controlled shops. How does this sugar pass on from the Government shops to the retail shops? Government is supplying sugar to the State Governments or their nominees. Quotas are allotted to them. How is it that this sugar passes on to the other shops in the open market where it is sold at a higher price? What steps are Government taking to prevent this?

Even if Government provides production incentives, there must be some control over the distribution system. Government must come somewhere into the picture. Otherwise it is no use because the sugar finds its way to the open market where it is sold at a higher price. So, this needs clarification.

I hope the hon. Minister will make a clear and categorical statement with regard to the sugar policy that the Government wants to formulate so that the people may hope that the price will come down within a reasonable period. During the last six or nine months this has continued and the price of sugar has not come down. In Orissa it is selling at Rs. 2 even though they have allotted 21,000 tons. Where has it gone? Therefore, this needs clarification, and I hope the Government will have a clear-cut policy with regard to sugar so that within the next one month the retail price of sugar will come down and the consumers will be able to get it at the minimum price.

The Minister of Food and Agriculture (Shri S. K. Patil): I am very sorry that the Members who wanted to speak could not get an opportunity.

Shri Narayanankutty Menon (Mukandapuram): I may be allowed to say a few words. My name is also there.

Mr. Chairman: How can I accommodate all the seven Members?

Shri Narayanankutty Menon: I may be allowed to put a question.

Mr. Chairman: Let him reply.

Shri S. K. Patil: The Speaker determined it should be half an hour. It is not that I am shirking my responsibility. I would really like people to explain their difficulties so that I can also explain to them what my difficulties are. There are two points.

Shri Khushwaqt Rai: Why not agree to a two-hour discussion on sugarcane prices?

Shri S. K. Patil: I am not against it.

Two points have really emerged out of the questions that have been asked respectively by Shri Braj Raj Singh and Shri Panigrahi. One is about the price of sugarcane on which emphasis was laid by the first speaker. Another was: why the prices are rocketing in the market in spite of the quotas? These are very vital points indeed on which Government policy has got to be explained.

My hon friend Shri Braj Raj Singh attributed to me or to my colleague something which we had not said. I had not said that the prices of sugar or sugarcane will have any effect on the production of wheat which would become less. I was merely referring to the remark that hon Member Shri Tyagi had made. Actually that is not my view and the figures are worth knowing for the purpose of understanding what the sugar position is.

The area under cane cultivation has been steadily on the increase year after year. Last year it fell a little bit, but otherwise it is steadily on the increase. In 1953-54 the area under cane cultivation was 3.48 million acres. It went up to 3.99 million acres in 1954-55 and 5.08 million acres in 1957-58. There was then a slight drop to 4.83 million acres. It was not a big drop, I think it was only by about 0.25 million acres or so. But when you compare it to the total acreage of India under all crops, including the food crops etc. you will find that the total acreage is somewhere about 300 million acres. Out of that, even this maximum which we did in 1957-58, namely 5 million acres comes to somewhere about 1.7 per cent. That is all. Out of that, crystal sugar to which this reference is, is only one-third, because gur, the molasses and khandasari account for two-thirds of it. Therefore, out of that 1.7 per cent, if you see what comes to the lot of crystal sugar out of the total acreage of India under all the crops, this is what you will find; it is just 0.6 or something less than 0.6 per cent. Therefore, it is wrong to say that the

production of wheat will be less etc. Wheat production and rice production are in terms of millions of acres. Therefore, this 0.6 per cent is not going to affect it. What I said was that these were competitive crops so far as the prices were concerned. The farmer has sometimes got to make a choice as to whether he should have more land under wheat or under rice or under sugarcane, for, that will determine the emoluments or the cash that he gets out of it. I was referring only to that extent to wheat production etc. That should not be taken to mean that wheat production will suffer etc. It will not suffer. I agree with the hon Member.

The quantity of sugarcane produced has all the time been increasing. The reason is application of fertilisers etc., better farming skill, better methods of farming, better irrigation and so on. From 43.8 million tons in 1953-54, which means six years ago, it has gone up to 70.9 million tons, which, though not double, means an increase of about 70 per cent during these six years. I do not say that that is a very phenomenal increase. We must have even greater increase. But the increase from 43.8 million tons to 70.1 million tons is not a small increase. I am talking only of the sugarcane. One-tenth of it, as the hon. Members know, is the actual crystal sugar that one would get, khandasari and the other things would be less; they will not be one-tenth.

The increased production of sugarcane has naturally resulted in increased production of sugar, because ten per cent of it is the sugar, and, therefore, it is steadily increasing. But the phenomenon is this. How is it that we had the stocks before, but we have no stocks now? That can easily be explained, because during 1953-54, and four years after that, during the regime of my esteemed predecessor, the late Shri Kidwai, we imported 14 lakhs tons of sugar from foreign countries. Then, there was not the difficulty of the foreign exchange that we have now. Sugar was found necessary, and, therefore, it was imported, and,

therefore, we had some stocks remaining with us. For, 14 lakhs is not a small thing. Even our annual consumption was not 14 lakhs during those years when sugar was imported. Therefore, we had got some kind of a reserve from which we could draw upon from time to time. That reserve has now been exhausted. This House must realise, and I shall repeat that, that unless an emergency comes up, a national emergency where something happens, and we have got to import, Government are not going to import any sugar. And we must train ourselves to so square up our needs, so square up our demand and supply that we produce enough in the country. If we produce a little less, then there must be some kind of sacrifices, if it comes to that. But, surely, if anybody expects that because there is less production by two or three per cent, therefore, I must immediately go to the foreign markets and mortgage my little foreign exchange and bring sugar into this country, I would say that that is not going to happen.

A very relevant question was raised by the first speaker as to how I was going to have a quarter million tons of sugar reserve, which I wanted to build up. I have said in this House before, and I shall repeat it that so far as the 5 million tons reserve for wheat and rice is concerned, it could be built up by internal resources, and if it comes to that, if we have no internal resources, then it could be built up from foreign resources. But so far as sugar is concerned, I am going to rely entirely on the internal resources, in order to have more and more production.

As to the question whether the incentives given are adequate, I cannot say just now; time alone will show. If incentives are necessary, they have to be given. But in a country where sugar production could be multiplied, because we are even thinking of exporting a quota of sugar, surely it would be wrong to think that we should spend our millions of foreign exchange in order to import some quantity of sugar.

श्री विभूति मिश्र (बगहा) : एक प्रश्न में माननीय मंत्री जी से पूछना चाहता हूँ। इस साल हमारे देश में १६ लाख टन चीनी पड़ा हुई, ३ लाख ३७ हजार टन पिछला स्टॉक था, इस तरह हमारे पास इस साल २२ लाख ३७ हजार टन चीनी थी जब कि हमारा खर्चा २० लाख टन ही है। फिर भी बाजार में चीनी की स्कोरसिटी क्यों हो गई ?

Shri S. K. Patil: I will explain. What is happening is this. Five or six years ago, our consumption was only 10 lakh tons—I am talking only of crystal sugar. Now it has doubled or more than doubled. It has become 20 lakh tons. There the hon. Member is right. I am glad about it, because people are eating more sugar and they are becoming sweeter and sweeter. The difficulty is short-lived. I do not think that people should permanently eat less sugar and be bitter about it. No, they should have their sugar. But we have got to produce it. That is the question.

How do we do that? A question was asked. if we produce less, how am I to build those reserves? Precisely for that purpose, these incentives have been given. Those incentives are of two kinds. So far as the sugar price is concerned, the hon. Member knows that all these three States, the main States in the north, namely, U.P., Bihar and Punjab, had themselves asked for Rs. 1-12-0. Now, I have given Rs. 1-10-0. Because of the competition that is there, I have to increase the prices of other commodities. You could quite understand what a terrific reaction it has got on our Plan, on our economy, on everything. It is not so very easy to say: why not give Re. 1 to wheat and Re. 1 to rice also? If it was so easy as that, I would be most willing indeed to do it.

Instead, we have done it in two ways, and I am sure it will be productive of very salutary results. One is that from Rs. 1-7-0, we have raised it to Rs. 1-10-0. Annas two less than they had asked. But at the other end what we have done is this. If more production is achieved than the average of the last two years,

[Shri S. K. Patil]

then we shall do two things. We shall consider also how it should be disposed of so that more facilities should be given to the trade or to those who produce it. That stage will come later when actually production is more. But more than that, we shall knock off half our excise revenue. That comes to Rs. 4-2-0 per maund of sugar. If you work it out on sugarcane, it means Annas 66 per maund of cane. Therefore, you can say that towards the end when it is possible to get more to the extent of this amount, it has got to be shared with the sugarcane grower, otherwise, he will go and sell to the khandsari and gur people, and the factories would be deprived of it.

Therefore, this incentive, which was given once before, should bring good results. We are quite sure that in order to get more money out of it, they would do so, so that this amount would not go into the pocket of the mill people, because it is the option of the man who sells sugarcane whether he should sell to one or the other. If he gets more money from the khandsari-wala or the gur-wala, naturally he will sell to him.

Therefore, we want to tag it on with that. If anything goes wrong in our expectations, we can also supply some kind of a method by which this could be shared with the man who actually produces sugarcane. But ultimately, if we work it out, it will result in two things. That man will get Rs. 1-10-0 and something more; it may even be Rs. 1-12-0 in the end, a little more or a little less. At the same time, there will be a tendency on the part of the growers to see that lots of cane that go to khandsari and gur would be diverted towards crystal sugar where we shall have more percentage of sugar. If we get 100 per cent in the case of crystal sugar, we get only 60 per cent in khandsari or gur.

Therefore, there would be better utilisation of the sugarcane, so far as scientific extraction of sugarcane is concerned. Hence we have to wait and see how this functions.

Having said that, there is one very important point: why are prices rocketing in the market? I am very uneasy on this score, because this feature is not a good thing. But the House must know that so far as the distribution of sugar is concerned it is not the responsibility of the Government of India.

If anybody wants that the Government of India should take the responsibility.....

श्री बिभूति : सभापति जी मैं एक बात कहना चाहता हूँ। बगहा में शुगर फैक्टरी है। उस फैक्टरी से बगहा के स्टॉक ट को चीनी नहीं दी गई बल्कि ३० मील दूर हरिनगर से उसको चीनी दी गई। इसी कारण चीनी का दाम बढ़ जाता है। प्रायः डिस्ट्रिब्यूशन क सिस्टम ही गलत है जिसके कारण दाम बढ़ता है।

Shri S. K. Patil: One illustration does not prove the whole point. Something may be wrong in that particular sugar mill to which the hon. Member refers. I am talking of a general question. In an emergency or even in normal times, the distribution of sugar is going to be the responsibility of the State. The House must understand that food production and agriculture are one hundred per cent the responsibility of the State Governments. We simply come in for continues to be sold at Rs. 1½ or Re. 1 a little co-ordination and when things are to be imported from outside and foreign exchange is necessary. That is why we have made some laws in order to co-ordinate this activity. But we cannot go further. If you seriously mean taking the responsibility of distributing food to the 370 million people, it is an impossible responsibility so far as the Central Government is concerned. These matters have got to be taken by the State Government. My hon. friend, Shri Panigrahi, has asked: why only 24,000 tons were given to Orissa and so much more to Rajasthan? May be, they are fond of more sweets. I congratulate the people of Orissa that

they do not spoil their health by having as much sweets as perhaps Rajasthan or Bombay or other places. But these figures are based on the usual or normal consumption. There are people in Bombay and a lot of sugar is consumed not only in the last one or two years but for many years. It is not because of the show of any discrimination against Orissa but because we have studied the figures as to what was actually going on even before the quota system. We found that it was about 20,000 tons and we are steadily increasing that. The increase is also of the order of somewhere about 75,000 tons every year because the population is increasing and it is not in your power or my power to decrease that population. It increases in spite of us. Our tastes are also improving because we now want to drink tea and coffee. It is a good thing. Why not drink tea or coffee? One good thing for the last 5-6 years is that more millions of people in this country are having some kind of a drink whether it is tea or coffee and that is why they require sugar.

An hon. Member: Why not have more bear also?

Shri S. K. Patil: That is not in my field. So, these are the facts that have got to be faced. We must increasingly produce 75,000 tons and possibly it may go even to 100,000 tons as the population increases and the habits of the people improve. All these factors are taken into consideration.

We fix up the price of sugarcane and give incentives. If my friends feel that these incentives are not enough, it is an arguable point. There is no finality so far as the Government is concerned. We shall watch. After all this is an experiment and you cannot merely say that in one particular crop you will go at a tangent while the other crops remain where they are.

The hon. Member suggested: why not have a kind of a committee appointed. I shall go a step further.

I will take this House into confidence. Ever since I have taken over this Ministry, I have been thinking of this. How can a Minister, however capable he may be—I am not suggesting that I am capable, but even then—consider all these things such as the price structure, what happens to it, the conditions of the soil and so on. It is impossible. Even if a Brahmspathi was created—a new one—and he were to accept this portfolio of Food and Agriculture, it would not be possible for him to see through these things minutely and consider these thousands of points and come to the conclusion as to what exactly should be the price structure. Therefore, I have got a scheme under consideration to be immediately put into action. I should have a statutory board for the fixation of the prices of all crops including sugarcane. That will sit day after day. It will not only be an ad hoc committee. It will have under review and examination constantly all the changes that are coming up and affecting the price structure and so on. Then, there is the Tariff Commission. The hon. Member knows it very well that these prices are not merely governed by us. The Tariff Commission also sits on it; it has a study of it though the recommendations have not come before you. But I could say that they were not asked to give their opinion on the prices of the sugarcane, but based on the prices of sugarcane they were asked to give the prices of sugar. Therefore, they have evolved a formula and the Government cannot go outside that formula after having accepted it. Therefore, you could see why the ex-factory price of sugar had to be increased.

If I go at this rate, Mr. Chairman, it will take a long time. But I think these two things which I have explained are enough to show to the House that whatever is possible has been done; Government is doing that and shall be doing that. Government will examine this policy day after day until the incentives prove sufficient not only adequately to meet the sugar

[Shri S. K. Patil]

consumption but also to give me something by which my quarter of a million tons of stock could be built up.

One more aspect and I have done. I have said that whenever these prices rise, we the consumers who go and buy are not less responsible for that also. If a man is selling sugar at unconscionably high prices, at Rs. 2 or Rs. 3 per seer, I have, not as Minister but as a citizen of India, got the right to say that "I shall refuse to buy that sugar". We actually aid these bad practices and these evil practices and we say that instead of one pound let us buy five pounds because we shall not get enough hereafter. So, we buy the sugar whatever be the price. The black market thrives on a two way traffic. It is not one-way traffic. So, far as it lies within our power, we must resolve that, whatever, it be, rice or wheat or sugar, we should not buy it when a bad advantage is taken by the seller, the middleman or the trader or anybody. No matter who does it; surely we must stand up and say that we shall not buy that. If a citizen shows that kind of responsibility, even for a week, you will see the salutary effect of it on the market. I speak like that not because I say that should eat less of sugar. One hon. Member asked what the Food Minister buys. Of course, the personal example is a good example. But I can say that for many years now I am not a sugar-eater.

Shri Harish Chandra Mathur (Pali): But how have you managed to be sweeter than sugar today?

Shri S. K. Patil: There are elements that can be had and which are sweeter than sugar too, and the milk of human kindness is much sweeter than what we can produce as any other alternative.

Shri Braj Raj Singh: By what time will the statutory board be appointed?

Shri Narayanaiahkutti Menon: The hon. Minister said that it is not the responsibility of the Central Government as far as the distribution is concerned. There is one State where it is the direct responsibility of the Central Government to distribute sugar. In the Kerala State, for the last four months no sugar has been given at controlled rate except during the last week of October. The hon. Deputy Minister went on saying that every month supplies have been given by the Central Government to the Kerala Government. All that I want to know is, why no steps were taken in order to distribute this sugar at controlled prices and why sugar continues to be sold at Rs. 1½ or Re. 1 in every town and village in Kerala State. What steps has the Government taken to see that sugar is distributed at controlled rates?

Shri S. K. Patil: So far as Kerala State is concerned, I can quite understand. I was not prepared for that aspect of the matter. I would go into the question and find out what it is. After all, the responsibility of the Government of India is going to be continued only for the next three or four months. It is not a permanent responsibility. Even then I could understand it. If anything better could be done by way of a more scientific distribution it shall be our duty to see that it is done.

Shri Khushwaqt Rai: By what time would that board or committee be appointed?

Shri S. K. Patil: In a month or two. It is going to be a statutory body in which the farmers themselves will be largely represented, those who exactly know their job. But the whole thing will come before Parliament. I merely anticipated it, and said that instead of having a small committee let us have a permanent answer to the question.

Shri Khushwaqt Rai: Will it come before this session ends?

Shri B. K. Gaikwad (Nasik): Where sugar is produced by the factories, it is controlled by the Central Excise Department, if I mistake it not. Moreover, the distribution is done by the Central Government or the State Government, whatever it may be. If it is so, how is it that sugar goes into the black market and sold there?

Shri S. K. Patil: Distribution is done by the State Governments. But my hon friend knows that it is not

done in the fashion of rations, etc. It is given to one dealer and in every State the system differs. The difficulty arose because of scarcity. Wait for a few weeks; you will find that these things do not exist because that scarcity is being very speedily resolved.

17 40 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, November 24, 1959/Agrahayana 3, 1881 (Saka).

[Monday, November 23, 1959/Agrahayana 2, 1881 (Saka)]

ORAL ANSWERS TO
QUESTIONS . . . 1059-97

S.Q. No.	Subject	COLUMNS
196.	Bauxite deposits in Bihar	1059-60
198.	Report of the Central Pay Commission . . .	1061-64
199.	Assam Oil Company . . .	1064-67
200.	Accommodation for Defence Installations . . .	1068
201.	Urdu . . .	1068-71
202.	Gold Bonds Scheme . . .	1071-72
203.	Payment of compensation . . .	1072
204.	Objects of Indian interest in foreign countries . . .	1072-74
205.	Re-organisation of Himachal Pradesh Administration . . .	1074-75
206.	Loans to poor students . . .	1075-76
207.	Standard of Indian Cricket . . .	1077-79
209.	Complaints' Cell . . .	1079-82
210.	Salar Jung Museum, Hyderabad . . .	1082-83
211.	M/S. Smith Stanistreet and Co, Calcutta . . .	1083-85
212.	Conduct Rules for Corporation Employees . . .	1085-87
213.	Petroleum Concession Rules . . .	1087-88
217.	Excise duties . . .	1089-90
218.	Survey for copper . . .	1090-94
219.	Sea Hawk Fighter Aircrafts . . .	1094-95
222.	Pension for U.P.S.C. Members . . .	1095-96
223.	L.I.C. loans for House Construction . . .	1096-97

WRITTEN ANSWERS TO
QUESTIONS. . . 1097-1151

S.Q. No.	Subject	COLUMNS
197.	Economy in Manipur and Tripura Administrations . . .	1097-98
208.	Foreign books on Scientific and Technical Subject . . .	1099
214.	Key-boards of Hindi Teleprinter and Typewriter . . .	1099
215.	Limit on number of students in colleges . . .	1099-1100
216.	Arrear in Delhi Courts . . .	1100
220.	Durgapur Steel Plant . . .	1100-01
221.	Naharkatiya-Barami Oil Pipe Line . . .	1101
224.	College Education in Delhi . . .	1102
225.	Hindi Teachers' Training College . . .	1102-03

WRITTEN ANSWERS TO
QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS
226.	Hindi Directorate . . .	1103
227.	Ban on the 'Valmiki Ramayna' by Aubrey Menon . . .	1103
228.	Research on Assam Coal . . .	1103-04
229.	Land for Delhi Colleges . . .	1104-05
230.	Graduate* from Rural Institutes . . .	1105-06
231.	Weath-Tax . . .	1107
232.	Junior Technical Schools . . .	1107-08

U.S.Q.
No.

339.	Distribution of steel . . .	1108-10
340.	Delhi beggar problem . . .	1109
341.	Production of pig iron in steel plants . . .	1109-10
342.	Hand-carts for Municipal scavengers . . .	1111
343.	Scheduled Castes and Scheduled Tribes in Bombay State . . .	1111
344.	Rifle Clubs . . .	1111-12
345.	Department of Archaeology . . .	1112-14
346.	Basic Education for Scheduled Tribes . . .	1113-15
347.	Production in Hindustan Aircrafts Ltd. . .	1115
348.	Archaeological excavations in Punjab . . .	1115
349.	Land revenue in Delhi . . .	1115
350.	Junior Basic Schools in Himachal Pradesh . . .	1116
351.	Admission to engineering Colleges . . .	1116-17
352.	Commercial education . . .	1117-18
353.	Re-employment of retired Officers . . .	1118
354.	Houses for Scheduled Castes in Himachal Pradesh . . .	1118
355.	Humayun Tomb, New Delhi . . .	1118-19
356.	Educational Institutions of Punjab . . .	1119-20
357.	Expenditure-tax Collections in Punjab . . .	1120-21
358.	Scholarships for higher education in Hindi . . .	1121
359.	Production of coal . . .	1121-22
360.	Audio-visual education in Delhi . . .	1122-23

**WRITTEN ANSWERS TO
QUESTIONS—contd.**

U.S.Q. No.	Subject	COLUMNS
361.	Income-tax	1123
362.	Aligarh Muslim University	1124
363.	Industrial Finance Corporation	1124-25
364.	Arrears due from Service Officers' Club	1125-26
365.	National Theatre, New Delhi	1126
366.	Amount due to H.A.L.	1126-27
367.	Indo-U. S. convention for avoidance of double taxation	1127
368.	Canadian Aid for technical education	1128
369.	Educational grants to States	1128
370.	Import of diesel oil	1129
371.	Central Excise and Taxation Department, Ludhiana	1129
372.	Central Advisory Board for Archaeology	1130
373.	Payment of gratuity and pension	1130-31
374.	Police Code Revision Committee, Kerala	1131
375.	Temporary Government Employees	1131
376.	School buildings in Mahasu	1131-32
377.	High School at Chini	1132
378.	Central Advisory Committee for Libraries	1132
379.	Grants to Assam Government	1133
380.	Municipal bye-elections in Kerala	1133
381.	Employment of Ex-servicemen in the Central Excise	1133-35
382.	Mining Institute at Kothagudem	1135-36
383.	Withdrawal of Criminal cases in Kerala	1136
384.	Restricting use of handcuffs	1136-37
385.	Social Welfare Centres in Orissa	1137
386.	Gatiswar Temple at Algam Village (Puri)	1137-38
387.	Utkal University	1138
388.	Co-operative Societies, Kerala	1138
389.	Foreigners in Durgapur Steel Plant	1139-40
390.	Northern Zonal Council	1140
391.	Impersonations in the Second General Elections	1140-41

**WRITTEN ANSWERS TO
QUESTIONS—contd.**

U.S.Q. No.	Subject	COLUMNS
392.	Bye-laws of Tripura Territorial Council	1141-42
393.	Reservation of seats for Scheduled Castes and Scheduled Tribes	1142
394.	Industrial research	1143
395.	Seizure of Indian Currency	1143-44
396.	Income-tax arrears in Himachal Pradesh	1144
397.	Income-tax arrears in Punjab	1144
398.	Passenger fare taxes	1144-45
399.	Police post at Palel	1145-46
400.	Iron ore in Puttur and Belthangadi	1146
401.	Import of cars	1146-47
402.	Cases under the Untouchability (Offences) Act, 1955	1147
403.	Compassionate Gratuity Fund	1147-48
404.	Demand for steel	1148
405.	Coal Council	1148-49
406.	Office of the Insurance Controller, Simla	1149
407.	Steel Advisory Council	1149-50
408.	Lands given to servicemen	1150-51

**PAPERS LAID ON THE
TABLE 1151-54**

- (1) A copy of the Annual Report of the Coal Board for the year 1958-59.
- (2) A copy of Notification No. G.S.R. 1105 dated 3rd October, 1959 under sub-section (4) of Section 17 of the Coal Mines (Conservation and Safety) Act, 1952 making certain further amendments to the Coal Mines (Conservation and Safety) Rules, 1954.
- (3) A copy of Notification No. G.S.R. 75 dated the 24th January 1959 under sub-section (2) of Section 3A of the Foreigners Act, 1946 making certain amendment to the Foreigners (Exemption) Order, 1957.
- (4) A copy of each of the following Notifications under sub-section (4) of Section 18 of the Citizenship Act, 1955, making certain

**PAPERS LAID ON THE
TABLE—contd.**

COLUMNS

- further amendments to the Citizenship Rules, 1956 :—
- (i) S.O. No. 872 dated the 24th May, 1958.
 - (ii) G.S.R. No. 1117 dated the 29th November, 1958.
 - (iii) G.S.R. No. 145 dated the 7th February, 1959.
- (5) A copy of each of the following Notifications under Section 6 of the Registration of Foreigners Act, 1939 :—
- (i) S.R.O. No. 1369 dated the 4th May, 1957 containing the Registration of Foreigners (Exemption) Order, 1957.
 - (ii) G.S.R. No. 825 dated the 20th September, 1958 and G.S.R. No. 74 dated the 24th January, 1959 making certain further amendments to the Registration of Foreigners (Exemption) Order, 1957.
- (6) A copy of Notification No. G.S.R. 982 dated the 29th August, 1959, under sub-section (2) of Section 3 of the All India Services Act, 1951, making certain amendment to the All India Services (Provident Fund) Rules, 1955.
- (7) A copy of Notification No. G.S.R. 1211 dated the 7th November, 1959, under sub-section (2) of Section 3 of the All India Services Act, 1951, making certain amendment to the Indian Civil Services (Provident Fund) Rules, 1942.
- (8) A copy of Notification No. G.S.R. 1129 dated the 12th October, 1959, under sub-section (4) of Section 22 of the Rice Milling Industry (Regulation) Act, 1958, making certain amendment to the Rice-Milling Industry (Regulation and Licensing) Rules, 1959.
- (9) A copy of Report of the Court Investigation of the accident to Indian Airlines Corporation's Dakota Aircraft VT-CGI on the 29th March, 1959 near Kumbhirgram Aerodrome.

**PAPERS LAID ON THE
TABLE—contd.**

COLUMNS

- (10) A copy of the Annual Report of the Board of Directors of the Industrial Finance Corporation of India for the year ended the 30th June, 1959, along with the statement showing the assets and liabilities and Profit and Loss Account of the Corporation under sub-section (3) of Section 35 of the Industrial Finance Corporation Act, 1948.
- (11) A copy of each of the following Notifications under sub-section (4) of Section 43B of the Sea Customs Act, 1878 :—
 - (i) G.S.R. Nos. 1136 and 1137 dated the 17th October, 1959.
 - (ii) G.S.R. Nos. 1220 and 1221 dated the 7th November, 1959.
- (12) A copy of each of the following Notifications under sub-section (4) of Section 43B of the Sea Customs Act, 1878, and Section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1959 :—
 - (i) G.S.R. Nos. 1138 and 1139 dated the 17th October, 1959.
 - (ii) G.S.R. Nos. 1217 and 1219 dated the 7th November, 1959.
- (13) A copy of the Report of Rehabilitation Finance Administration for the half year ended the 30th June, 1959, under sub-section (2) of Section 18 of the Rehabilitation Finance Administration Act, 1948.

**REPORT OF THE ESTIMATES COMMITTEE
PRESENTED . . . 1154-55**

Sixty-third Report was presented.

BILL PASSED . . . 1155-1240

Further discussion on the motion to consider the Andhra Pradesh and Madras

COLUMNS

COLUMNS

BILL PASSED—*contd.*

(Alteration of Boundaries) Bill continued. Amendments for (i) circulation of the Bill for eliciting opinion thereon and (ii) for reference of the Bill to a Joint Select Committee moved respectively by Shri Mohammed Imam and Pandit Thakur Das Bhargava were negatived. The original motion to consider the Bill was adopted. After clause-by-clause consideration the Bill was passed as amended.

BILL UNDER CONSIDERATION . . . 1240—87

The Deputy Minister of Home Affairs (Shrimati Alva) moved that the Bill further to amend the Indian Penal Code be taken into consideration. Shri Naldurgkar moved an amendment for circulation of the Bill for eliciting opinion thereon. The discussion was not concluded.

HALF-AN-HOUR DISCUSSION . . . 1287—1308

Shri Braj Raj Singh raised a half-an-hour discussion on points arising out of the answer given on the 17th November, 1959 to Starred Question No. 38 regarding scarcity of sugar.

The Minister of Food and Agriculture (Shri S. K. Patil) replied to the debate.

AGENDA FOR TUESDAY, NOVEMBER 24, 1959/AGRAHAYANA 3, 1881 (SAKA)—

Further consideration of the Indian Penal Code (Amendment) Bill and consideration of the Haj Committee Bill and passing of the Bills. Discussion on the Motion re Annual Reports of the Registrar of Newspapers.